

BULLETIN NO. 18.

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE REFERENCE BUREAU.

JAMES N. MOORE, Director.

A COMPILED OF THE LAWS
RELATING TO
TRADES, OCCUPATIONS AND PROFESSIONS.

By
JOHN H. FERTIG,
Assistant Director.

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PREFACE.

This compilation is prepared under the provisions of the Act of May 3, 1917, P. L. 155, which authorizes the Legislative Reference Bureau to continue the work commenced by it under the provisions of the Act of May 20, 1913.

This publication was prompted by the numerous requests which the Bureau receives requesting the statute law relative to a particular trade, occupation or profession.

In preparing this compilation great difficulty was experienced to ascertain just which subjects were to be included. In several instances acts have been included which do not relate to any particular trade, occupation or profession, but tend rather to regulate business. In other instances acts have been included which may be of interest to the particular trade, occupation or profession. As a general rule the material has been restricted to the law on trades, occupations and professions in their private capacity, and does not include public employments, whether on behalf of the Commonwealth or any municipal subdivision. Consequently, no acts have been included relative to health, stream and safety inspectors, foresters, game and fish wardens, criers, tipstaves, health officers, constables, borough managers, etc. The chapters on Detectives and Police Officers do not include the law relative to such as are publicly employed, but private detectives and private police officers only. The subjects of miners, mine inspectors, stevedores, and pilots have also been omitted; the first two for the reason that it would necessitate the publishing of the entire anthracite and bituminous mine codes, which have already been published by the Department of Mines, and the subjects of pilots and stevedores for the reason that they are confined to the river Delaware, are local in character, and not of interest generally to the citizens of the Commonwealth.

This compilation does not contain any local or special legislation. To ascertain the local or special laws on any subject the reader is referred to Price's "Index to Local Legislation in Pennsylvania."

We shall appreciate if the reader will call our attention to any errors or omissions.

JAMES N. MOORE,

Director, Legislative Reference Bureau.

Harrisburg, Penna., May 1, 1918.

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See Brokers (a, b, c).

PEDDLERS.

See Hawkers and Peddlers.

PHARMACISTS.

(a) Pennsylvania Board of Pharmacy. Pharmacists and Assistant Pharmacists.

1. Definitions of certain terms. Saving clause as to pharmacists registered under prior laws.
2. Pennsylvania Board of Pharmacy established. Qualification of members. State Pharmaceutical Examining Board to constitute new board. Term of members. Compensation. Officers of board. Oaths. Employes of board. Vacancies.
3. Meetings of board. Duties.
4. Applicants for examination and registration as pharmacists and assistants.
5. Fees for examination and registration.
6. Misdemeanor for any person to impersonate any applicant before board.
7. Penalty for false oaths in applications for registration.
8. Reciprocity with other states.
9. Titles of pharmacists and assistants.
10. When unlawful to use certain titles. Penalty.
11. Registered pharmacist to have charge of pharmacy. Penalty.
12. Certificates of registration to be exhibited.

13. Revocation of registrations.
 14. Books to be kept in pharmacy. Penalty.
 15. Pharmacists and assistants to obey act. Exceptions. Compounding poisons. Penalty.
 16. Who may compound and dispense prescriptions.
 17. Only registered pharmacists to engage in business and to compound and dispense prescriptions.
 18. Physicians' prescriptions to be kept on file and open to inspection.
 19. Power of board to make rules and regulations.
 20. Board to enforce act. Fines collected to be covered into State Treasury.
 21. Annual report of board. Records and minutes of board.
 22. Repeal. Pending prosecutions saved. Powers of former board extended. When act to be in force.
- (b) Bureau of Professional Education. Preliminary education of pharmacists.
23. Reasons for passage of act.
 24. Bureau of Professional Education established.
 25. Employes of bureau. Compensation of employes and Superintendent of Public Instruction.
 26. Duty of bureau with regard to preliminary education of persons to be licensed as pharmacists.
 27. Students from other states and foreign countries.
 28. Fees for certificates of proficiency and examinations.
- (c) Adulterated and misbranded drugs.
29. Unlawful to sell adulterated or misbranded drugs.
 30. "Drug" defined.
 31. When a drug is deemed adulterated.
 32. When a drug is deemed misbranded.
 33. Enforcement of act. Compensation of members of board. Rules and regulations of board. Secretary and employes of board. Penalties.
 34. Office and laboratory of board. Supplies, stationery, etc.
 35. Examination of drugs to ascertain adulterations. Hearings. Prosecutions.
 36. Duty of district attorney.
 37. Penalty for violations of act. Fines recovered to be paid into State Treasury.
 38. Retail dealer exempted from prosecution in certain cases. Prosecutions of wholesale dealers, manufacturers and jobbers.
 39. When provisions of act not to apply.
- (d) Poisons.
40. Poisons defined. Selling and dispensing poisons. Exceptions. Penalty.
 41. Sale of poisons for technical use.
 42. Sale of certain poisons. Penalty.
- (e) Opium and coca leaves and their compounds and derivatives (anti-dope law).
43. Drug defined.
 44. What the term drug does not include.
 45. Certain words defined.

46. Possession, sale, etc., of drugs. Exceptions.
 47. Drugs not to be used or administered except upon consent of physician or druggist.
 48. To whom manufacturers, producers, importers and exporters may sell drugs.
 49. To whom pharmacists may sell drugs.
 50. To whom physicians and dentists may sell and dispense drugs. Gradual reduction treatment. Penalty.
 51. Drugs not to be administered to persons or animals until after examination. Veterinarians not to dispense drugs to persons.
 52. Physicians, dentists and veterinarians to keep certain records.
 53. When act not to apply.
 54. Penalties for violation of act.
 55. Burden of proving exemptions from provisions of act.
 56. When licenses of physicians, dentists, veterinarians, pharmacists, druggists and nurses may be revoked or suspended.
 57. Effect of conviction of certain persons. Certain words defined.
 58. Department of Health to enforce act.
- (f) Advertisements of certain medicines, drugs and nostrums.
59. Unlawful to publish advertisements, etc., concerning certain medicines, drugs, nostrums and apparatus.
 60. Advertising, selling or giving away drugs and nostrums to prevent conceptions and procure abortions and miscarriages. Penalty.
- (g) Licensing of druggists by municipalities.
61. Cities of the third class authorized to license druggists.

PHYSICIANS AND SURGEONS.

- (a) Bureau of Medical Education and Licensure.
1. Reasons for passage of act.
 2. Physicians to be licensed. Penalty. Exceptions.
 3. Bureau of Medical Education and Licensure.
 4. Official name of bureau. Duties of bureau. Organization. Quorum.
 5. Duty of bureau with regard to medical institutions. Minimum standard of preliminary education.
 6. Qualifications of applicants for licensure. Licensing of applicants from foreign countries. Penalty.
 7. Meetings of bureau. Examinations. Reciprocity with other states. Licensing of applicants. Record of licensees. Members of bureau may administer oaths.
 8. Persons passing final examinations to receive license. Registry of license. To be received as evidence. Exceptions. Physicians of other states residing near state boundary lines.
 9. Fees to be charged by bureau. Seal. Office. Printing, supplies, etc.
 10. Disposition of fees. Bond of treasurer.
 11. Salaries of members and officers of bureau.
 12. Audit accounts of bureau.
 13. Refusal to grant licenses. Revocation of licenses.
 14. To what act not to apply.
 15. Validation of diplomas of certain persons.

- (b) Bureau of Professional Education. Preliminary education of physicians.
 - 16. Reasons for passage of act.
 - 17. Bureau of Professional Education established.
 - 18. Employees of bureau. Compensation of employees and Superintendent of Public Instruction.
 - 19. Duty of bureau with regard to preliminary education of persons to be licensed as physicians.
 - 20. Students from other states and foreign countries.
 - 21. Fees for certificates of proficiency and examinations.
- (c) Communicable diseases.
 - 22. Physicians to report existence of certain diseases to health authorities.
 - 23. Health authorities to institute quarantine upon receipt of report from physician.
 - 24. Removal of placards.
 - 25. Periods of quarantine.
 - 26. Persons suffering from certain diseases not to attend in public places.
 - 27. Persons suffering from certain diseases not to attend in public places.
 - 28. Persons residing in buildings, wherein are confined persons suffering with certain diseases, not to attend in public places.
 - 29. Under what conditions persons residing on certain premises may be allowed to remove.
 - 30. Persons in charge of schools to report to health authorities suspected cases.
 - 31. Children to furnish certificates before re-admission to schools.
 - 32. Health authorities to furnish all necessary blanks.
 - 33. Health authorities to furnish persons in charge of schools with names of persons suffering with communicable diseases.
 - 34. Premises to be fumigated and disinfected or destroyed.
 - 35. Use of public vehicles by persons suffering with communicable diseases.
 - 36. Persons suffering with communicable diseases not to expose themselves.
 - 37. Bedding, etc., not to be sold, etc., without disinfection.
 - 38. Rooms, etc., not to be let without disinfection.
 - 39. Health authorities authorized to establish rules and regulations.
 - 40. Burial of persons dying of certain communicable diseases.
 - 41. Maximum time in which to bury bodies.
 - 42. Funeral services to be private.
 - 43. Funeral services not to be held in public places.
 - 44. Conveyances at funeral services.
 - 45. Bodies to be moved only in hearses or other suitable vehicle.
 - 46. Health authorities to make weekly reports to State Department of Health.
 - 47. Penalties.
- (d) Inflammation of the eyes of infants.
 - 48. Reasons for passage of act.
 - 49. Physicians to report to health authorities infants suffering with inflammation of the eyes.

50. Midwives and nurses to report to health authorities infants suffering with inflammation of the eyes.
 51. Duty of health authorities after receipt of report.
 52. Physicians to report to Commissioner of Health.
 53. Health officers to furnish copy of act to midwives and nurses.
 54. Penalty.
- (e) Opium and coca leaves and their compounds and derivatives (anti-dope law). See Pharmacists (e).
- (f) Physicians attending insane.
55. Right of insane patients to medical attendance.
- (g) False certificates by physicians.
56. Physicians falsely certifying to insanity of persons. Penalty.
- (h) Vital Statistics.
57. State Department of Health to have charge of system of registration of births, deaths, marriages and disease.
 58. Central Bureau of Vital Statistics established.
 59. Registration districts.
 60. Local registrars and sub-registrars.
 61. Burial permits.
 62. Certificates in case of stillborn children.
 63. Contents of death certificates.
 64. Deaths without medical attendance. Duties of undertakers and coroners.
 65. Duties of undertaker with regard to death certificate and burial permit.
 66. Burials within State.
 67. Duties of sextons.
 68. Registration of births.
 69. Filing of birth certificates with local registrar.
 70. Contents of birth certificate.
 71. Blanks for reporting of given names.
 72. Physicians, midwives and undertakers to register with local registrars.
 73. Persons in charge of certain institutions to make record concerning patients.
 74. State Registrar to prepare blanks and forms, and examine returned certificates. Permanent records.
 75. Duties of local registrars.
 76. Fees of local registrars. Counties to reimburse State.
 77. Certified copies of record of births, deaths and marriages.
 78. Penalties.
 79. Enforcement of act.
 80. Repeal.
- (i) Crematories.
81. Permits to cremate corpses.
 82. Certificates of physicians and coroners.
 83. Penalty.

PLUMBERS.

- (a) In cities and boroughs.
 - 1. Registration of journeymen plumbers.
 - 2. Penalty for failure to comply with rules and regulations.
- (b) In cities of the first class.
 - 3. Boards of health to provide for registration of plumbers.
 - 4. Penalty for neglect to comply with rules and regulations.
 - 5. Plumbers to be licensed. Apprentices. Master and employing plumbers.
 - 6. Registration of persons entitled thereto who failed to register under act of one thousand nine hundred and eleven.
 - 7. Application for license. Examination and issuing of license. Register of applicants and licenses. Board of examiners constituted. Examination fee. Signs to be displayed. Only registered plumbers to engage in business. License good for one year, registration. Reciprocity as to plumbers of other cities.
 - 8. Rules, regulations and requirements for plumbing, etc.
 - 9. Separate plans for each building or addition.
 - 10. Plumbers to submit plans to board or bureau of health.
 - 11. Connections between sewers and buildings to be adequate. Changes in connections.
 - 12. Inspection by board or bureau of health.
 - 13. Drainage systems. House drains and soil pipes. Private sewers. Closets.
 - 14. Traps for house drains.
 - 15. Fresh air inlets to be connected with house drains.
 - 16. Grade of house drains and sewers.
 - 17. House sewers, when to be constructed.
 - 18. Construction of house sewers.
 - 19. House sewers, when to be constructed of extra heavy cast-iron pipe.
 - 20. Floor and other drains, when permitted.
 - 21. Construction and weight of cast-iron pipe.
 - 22. Subsoil drains.
 - 23. Drainage of yards, areas and courts.
 - 24. When old house drains and sewers may be used.
 - 25. Metallic leaders from roofs.
 - 26. Inside and outside leaders from roofs.
 - 27. Leaders to be trapped to prevent freezing.
 - 28. Use of rain-water leaders.
 - 29. Steam exhaust, blow-off and drip pipes.
 - 30. Diameter of soil pipes.
 - 31. Changes in direction of sewer, soil and waste pipes.
 - 32. Joints in cast-iron, soil, and waste pipes. Connections of lead and cast-iron pipes.
 - 33. Traps for bath tubs, water closets, etc.
 - 34. Overflow pipes.
 - 35. Sediment pipes.
 - 36. Size of traps.
 - 37. Safe waste pipes and refrigerator waste pipes.
 - 38. Vent pipes.
 - 39. Size and construction of vent pipes. Ventilation of traps and soil lines.

40. Construction of vent pipes.
41. Offsets and connections on vent lines.
42. Rubber connections for back vents.
43. Certain flues not to be used as ventilators.
44. Soldering nipples.
45. Screw-caps for cleanouts. Cleanout ferrules.
46. Brass ferrules.
47. Construction of water-closets and sinks.
48. Certain closets not permitted in buildings.
49. Earthenware traps.
50. Where water-closets may not be constructed.
51. Water supply for water closets, etc.
52. Flushing rim-bowls and flushing tanks.
53. Flushing tanks and cisterns for closets.
54. Water-closet system in tenement and lodging houses.
55. Number of water-closets.
56. Water-closet and urinal apartments.
57. Materials for urinals. Walls of urinal apartments.
58. Connections of platforms and treads of urinals.
59. Trough water-closets and trough urinals.
60. Sufficient water supply for water-closets and fixtures.
61. Size of flush pipes.
62. Copper and lead linings of water-closet and urinal cisterns.
63. Wooden wash trays, sinks and bath tubs prohibited. Construction of such fixtures. Cement and artificial tubs.
64. Water-closets located in yards.
65. Privies and cesspools.
66. Location and construction of privies in rural districts.
67. Plumbing material. Workmanship.
68. Use of names of persons, etc., in plumbing business.
69. Certain terms defined.
70. Defective plumbing. Procedure to remedy. Abatement as nuisance.
71. Air and water tests of drain, soil, waste, vent and other pipes.
72. Final test of plumbing work. Certificate of approval.
73. Plumbing contractor to arrange for inspection.
74. Disputes over plumbing work, how settled.
75. Penalties.
76. Rules and regulations of health authorities.

(c) In cities of the second and third classes.

77. Licensing and registration of plumbers.
78. Application for license. Issuance of license. Board of examiners. Rules and regulations. License fees. Appointment of plumbing inspector. Business sign. Only registered plumbers to engage in business. Change of place of business. Registration of plumbers. Re-licensing, re-registration and re-examinations. Fee for re-registration. Register of applicants. Reciprocity.
79. Rules, regulations and requirements for plumbing.
80. Separate plans for each building or addition.
81. Plumbers to submit plans to board or bureau of health.
82. Connections between sewers and buildings to be adequate. Changes in connections.

83. Inspection by board or bureau of health.
84. Drainage systems. House drains and soil pipes. Private sewers.
85. Traps for house drains.
86. Fresh air inlets to be connected with house drains.
87. Grade of house drains and sewers.
88. House sewers, when to be constructed.
89. Construction of house sewers.
90. House sewers, when to be constructed of extra heavy cast-iron pipe.
91. Floor and other drains when permitted.
92. Construction and weight of cast-iron pipe.
93. Subsoil drains.
94. Drainage of yards, areas and courts.
95. When old house drains and sewers may be used.
96. Metallic leaders from roofs.
97. Material for inside and outside leaders.
98. Leaders to be trapped to prevent freezing.
99. Use of rain-water leaders.
100. Steam exhaust, blow-off and drip-pipes.
101. Diameter of soil pipes.
102. Changes in direction sewer, soil and waste pipes.
103. Joints in cast-iron and soil and waste pipes. Connections of lead and cast-iron pipes.
104. Traps for bath tubs, water-closets, etc.
105. Size of horizontal and vertical waste-pipe traps and branches.
106. Overflow pipes.
107. Sediment pipes.
108. Size of traps.
109. Safe waste pipes and refrigerator waste pipes.
110. Vent pipes.
111. Ventilation of traps and soil lines. Size and construction of vent pipes.
112. Construction of vent pipes.
113. Offsets and connections or vent lines.
114. Rubber connections for back vents.
115. Certain flues not to be used as ventilators.
116. Soldering nipples.
117. Screw-caps for cleanouts. Cleanout ferrules.
118. Brass ferrules.
119. Construction of water-closets and sinks.
120. Certain closet not permitted in buildings.
121. Earthenware traps.
122. Where water-closets may not be constructed.
123. Water supply for water-closets, etc.
124. Flushing rim-bowls.
125. Flushing tanks and cisterns for closets.
126. Water-closet systems in tenement and lodging houses.
127. Number of water-closets.
128. Water-closet and urinal apartments.
129. Materials for urinals. Walls of urinal apartments.
130. Connections of platforms and treads of urinals.
131. Trough water-closets and trough urinals.
132. Sufficient water supply for water-closets and fixtures.
133. Size of flush pipes.

134. Copper and lead linings of water-closet and urinal systems.
135. Wooden wash trays, sinks and bath tubs prohibited. Construction of such fixtures. Cement and artificial stone tubs.
136. Yard water-closets.
137. Cesspools and privy vaults.
138. Location and construction of privies in rural districts.
139. Plumbing material. Workmanship.
140. Use of names of persons, etc., in plumbing business.
141. Certain terms defined.
142. Defective plumbing. Procedure to remedy. Abatement as nuisance.
143. Air and water test of drain, soil, waste, vent and other pipes.
144. Final test of plumbing work. Certificate of approval.
145. Plumbing contractor to arrange for inspection.
146. Disputes over plumbing work, how settled.
147. Penalties.

POLICE (PRIVATE).

- (a) Citizens only to be appointed. Persons acting without due authority.
 1. Citizens only to be appointed policemen by persons, etc., authorized to appoint.
 2. Persons acting without due authority, misdemeanor.
 3. Penalty for violation of act.
- (b) Salary of private police.
 4. Policemen employed by corporations to receive fixed or stipulated salary.
 5. Constables acting as policemen not to charge or accept additional fees or compensation. Rewards and mileage.
 6. Penalty for violation of act.
- (c) Railroads.
 7. Railroad corporations authorized to apply to Governor to commission police.
 8. Governor may appoint and commission police for railroad corporations.
 9. Oath. Powers of railroad police. Keepers of jails, lock-ups and station houses to receive persons arrested.
 10. Badge of railroad police.
 11. Compensation to be paid by companies.
 12. Method of surrendering authority.
- (d) Collieries, furnaces, and rolling mills.
 13. Act of February 27, 1865, relative to railroad police extended to collieries, furnaces and rolling mills. Discretion of Governor to appoint or revoke commissions.
- (e) Street passenger railways.
 114. Corporations owning or operating street passenger railways authorized to apply to local authorities to commission policemen.
 15. Local authorities authorized to appoint and commission police for street passenger railway corporations.

16. Oath. Powers of policemen. Keepers of jails, lock-ups and station houses to receive persons arrested.
 17. Badge.
 18. Corporation to pay compensation of police.
 19. Method of surrendering authority.
- (f) Corporations for the prevention of cruelty to children and aged persons.
20. Corporations for the prevention of cruelty to children and aged persons may apply to Governor to commission policemen.
 21. Governor may appoint and commission police.
 22. Oath. Powers of police. Keepers of jails, lock-ups and station-houses to receive persons arrested.
 23. Secretary of Commonwealth to issue certificate of appointment. Certificate to be evidence of authority.
 24. Corporation to pay compensation of police.
 25. When power of police shall cease and determine.
- (g) Associations for charitable purposes.
26. Governor may appoint and commission police for association for charitable purposes.
 27. Oath. Powers of police. Keepers of jails, lock-ups and station houses to receive persons arrested.
 28. Badge.
 29. Associations to pay compensation of police.
 30. Method of surrendering authority.
 31. Discretion of Governor to appoint police and to revoke commissions.
- (h) Cemeteries.
32. Authorities of organized cemeteries may appoint day and night watchmen. Oath. To have power of police.
- (i) Camp-meetings.
33. Camp-meeting associations may apply to courts to appoint police.
 34. Court authorized to appoint police.
 35. Oath.
 36. Power of police. Keepers of jails, lock-ups and station houses to receive persons arrested.
 37. Power of associations to ordain and publish regulations. Power of police to detain offenders against regulations.
 38. Badge.
 39. Associations to pay compensation of police.
- (j) Parks, glens and picnic grounds.
40. Persons owning and leasing parks, glens and picnic grounds may apply to courts to appoint police.
 41. Court authorized to appoint police.
 42. Oath.
 43. Power of police. Keepers of jails, lock-ups and station houses to receive persons arrested.
 44. Power of associations to ordain and publish regulations. Power of police to detain offenders against regulations.
 45. Badge.
 46. Associations to pay compensation of police.

(k) Agricultural and horticultural societies.

47. Agricultural and horticultural societies may appoint police. Duty and power of police.
48. Penalty for injuring and destroying property of exhibitors, visitors and lessees.

(l) Corporations for the propagation of fish.

49. Corporations for the propagation of fish may apply to Governor to commission police.
50. Governor may appoint and commission police.
51. Oath. Powers of police. Keepers of jails, lock-ups and station houses to receive persons arrested.
52. Badge.
53. Corporation to pay compensation of police.
54. Method of surrendering authority.

(m) Persons owning and occupying real estate. Night watchmen.

55. Persons owning and occupying real estate may apply to courts for approval of employment of night watchmen. To have powers of constables and police. Not to serve subpoenas. Certain applications to be made to city departments of public safety.

(n) Volunteer police during times of war.

56. Reasons for passage of act.
57. Governor, upon application, authorized to appoint and commission police during times of war. To serve without pay. To be subject in certain cases to local police authorities. Governor may designate persons to advise and direct police in certain cases.
58. Oath.
59. Powers of police.
60. Organization and discipline. Purpose for which police may be used.

SEXTONS.

See Physicians and Surgeons.

(c) Communicable diseases, Secs. 43, 47.

(h) Vital statistics, Secs. 67, 78.

SURVEYORS.

1. Reasons for passage of act.
2. County commissioners to establish meridian line and standard measure of a chain.
3. Commissioners to give public notice. Surveyors to adjust compasses and chains. Duty of surveyors in returns of and writings concerning surveys.
4. Penalty for failure to comply with act.
5. County commissioners to procure book. Records to be entered therein by surveyors.

TAXIDERMISTS.

1. Persons practicing taxidermy to secure certificate from Board of Game Commissioners.

TELEGRAPH AND TELEPHONE OPERATORS.

1. Telegraph companies required to forward messages offered. Fee to be offered by sender. Penalty for failure to transmit messages. Service of notice.
2. Original telegraph messages to be preserved. Presentation as evidence. Confidential communications.
3. Contents of telegraph and telephone dispatches not to be revealed.
4. Penalty for revealing contents of telegraph and telephone dispatches.
5. Penalty for revealing contents of telegraph dispatches.
6. Telegraph operators to be exempt from militia and jury duty.

TELEPHONE OPERATORS.

See Telegraph and Telephone Operators.

UNDERTAKERS.

(a) State Board of Undertakers.

1. State Board of Undertakers to be appointed.
2. Members of board to take oath. Officers of board. Rules and regulations.
3. Salary of secretary. Expenses of members of board.
4. Meetings of board. Quorum.
5. Undertakers engaged in business to be registered. Transcript of registration to be evidence. Seal of board. Undertakers in cities.
6. Licensing of undertakers about to engage in business. Examinations. License fee. Revocation of licenses. Licensees to register with health authorities.
7. Penalty. Act not to apply to certain persons.
8. Licenses not assignable or transferable. Place of business to be specified.
9. Fees to be used for expenses of board.
10. Board to report to Governor annually. Surplus to be paid into State Treasury.

(b) Communicable diseases.

See Physicians and Surgeons, Secs. 40, 41, 42, 43, 44, 45, 47.

(c) Vital statistics.

See Physicians and Surgeons, Secs. 61, 62, 63, 64, 65, 66, 67, 72, 75, 78.

(d) Crematories.

See Physicians and Surgeons, Secs. 81, 82, 83.

(e) Cities of the third class authorized to license.

11. Cities of the third class authorized to collect annual license taxes on undertakers.

VENDERS.

See Hawkers and Peddlers.

VETERINARIANS.

(a) State Board of Veterinary Medical Examiners.

1. Definition of certain words.
2. State Board of Veterinary Medical Examiners established.
3. Qualifications of members of board.
4. Terms of members of board.
5. Vacancies. Removals.
6. Certificate of appointment.
7. Compensation and expenses of members of board.
8. First meeting of board.
9. First election of officers.
10. Meetings for examinations. Notice. Examining committee. Stated meetings. Quorum.
11. Persons eligible to practice as veterinarians. Use of title.
12. Licensing of persons qualified prior to passage of act.
13. Applications to board. Proofs.
14. Education of those who received degrees since July 1, 1896.
15. Order for examination.
16. Subjects of examination.
17. Successful applicants to receive license. Form of license. Recording of license.
18. Re-examinations.
19. Reciprocity with other states.
20. Registration book.
21. Annual registration.
22. Fee for annual registration.
23. Board to furnish certificate of registration. To constitute evidence of registration. Registration book to constitute record.
24. Penalty. Board or its agents to be prosecutor. Fines and penalties for use of Commonwealth.
25. To whom act shall not apply.
26. When act to take effect.

(b) Domestic animals and poultry.

27. "Domestic animal" defined.
28. "Owner" defined.
29. "Person" defined.
30. "Premises" defined.
31. State Veterinarian. Agents and employes of State Livestock Sanitary Board. Deputy State Veterinarian. Salaries and compensation.
32. Duties of Livestock Sanitary Board.
33. Entry of premises by agents of board.
34. Importation of diseased animals or poultry prohibited.
35. Veterinarians to report diseases.
36. Existence of disease not to be concealed.
37. Moving or exposing diseased animals prohibited.
38. Regulation of importations. Animals for slaughter or for exhibition.

39. When genuineness of certificate or chart is doubted.
40. Animals under six months.
41. Importation of animals without certificate or chart.
42. Keeping animals illegally imported.
43. Quarantines.
44. Violation of quarantine.
45. Destroying or defacing quarantine notice.
46. Animals running at large during quarantine.
47. Care of quarantined animals.
48. Disposal of carcass.
49. Payments for animals killed.
50. Appraisement of animals killed.
51. Who may administer oaths to appraisers.
52. Owner to dispose of carcass.
53. Procedure when owner fails to dispose of carcass.
54. Unlawful to move diseased animal on or across public highway.
55. Sale of animal affected by disease or reacting to test.
56. Regulation of tests in diagnosis.
57. Mallein. Tuberculin. Reports of tests and sales.
58. Regulation of manufacture and sale of biological products.
59. Branding tuberculosis animals.
60. Milk from tuberculosis cows as food for animals.
61. Skimmed milk, etc., for animals, to be pasteurized.
62. State Livestock Sanitary Board to co-operate with National Government.
63. Fees to be paid into State Treasury.
64. Annual report.
65. Quarters, supplies, etc., for board.
66. Printing.
67. Penalty for violation of act.
68. Board to enforce act.

WAITERS.

See Cooks.

WAREHOUSEMEN.

- (a) Levies by sheriffs and constables on goods in hands of warehousemen.
 1. Warehousemen not to conceal goods from constables and sheriffs.
 2. What constitutes evidence of intent to conceal.
 3. Penalty.
- (b) Warehouse receipts.
 4. Warehousemen may issue warehouse receipts.
 5. Essential terms of warehouse receipts.
 6. Terms which may not be inserted.
 7. Non-negotiable receipts.
 8. Negotiable receipts. Void provisions.
 9. Duplicate receipts to be marked.
 10. Non-negotiable receipts to be so marked.
 11. Obligations of warehousemen to deliver goods.
 12. When warehousemen are justified in delivering goods.

13. Liability of warehousemen for misdelivery of goods.
14. Cancellation of negotiable receipts.
15. Liability for failure to cancel negotiable receipt.
16. Alteration of receipts.
17. Lost and destroyed receipts.
18. Effect of "duplicate" on receipts.
19. Warehouseman not to claim title for himself. Exception.
20. Adverse claimants to interplead.
21. Warehouseman may refuse to deliver until validity of adverse claims are determined.
22. Adverse title as a defense.
23. Liability for non-existence of goods or for misdescription.
24. Liability for failure to exercise reasonable care.
25. Goods to be kept separate.
26. Agreements to mingle fungible goods.
27. Warehousemen to be severally liable to depositors.
28. When goods not subject to attachment.
29. Creditors' remedies.
30. Claims included in warehouseman's lien.
31. How warehouseman's lien may be enforced.
32. How lien may be lost.
33. Negotiable receipts to state charges.
34. Goods may be withheld until lien is satisfied.
35. Lien does not preclude other remedies.
36. Satisfaction of lien by sale.
37. Perishable and hazardous goods.
38. Other methods of enforcing liens.
39. Effect of sale of goods.
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ACCOUNTANTS.

1. Who Eligible to Use Title of C. P. A. Any citizen of the United States, residing or having an office for the regular transaction of business in the State of Pennsylvania, being over the age of twenty-one years and of good moral character, and who shall have received from the Governor of the State of Pennsylvania a certificate of his qualification to practice as a public expert accountant, as hereinafter provided, shall be designated and known as a certified public accountant, and no other person shall assume such title, or use the abbreviation C. P. A., or any other words, letters or figures to indicate that the person using the same is such certified public accountant. Every person holding such certificate, and every copartnership of accountants, every member of which shall hold such certificates, may assume and use the title of certified public accountants, or the abbreviation thereof, C. P. A.: Provided, That no other person or copartnership shall use such title or abbreviation, or other words, letters or figures, to indicate that the person or copartnership using the same is such certified public accountant.

Section 1, Act of March 29, 1899, P. L. 21.

2. Governor to Appoint Board of Examiners. Terms. Examinations. Reciprocity with Other States. Fee for Examination. Expenses of board and clerk hire. The Governor of the State of Pennsylvania shall appoint a board of five examiners for the examinations of persons applying for certification under this act. Two shall be appointed from the eastern part of the State, two from the western part, and one from the central part of the State. Three of said examiners shall be certified public accountants, each holding a degree of same from the Commonwealth of Pennsylvania, one of whom shall be appointed for the term of one year, one for two years, and one for three years; and upon the expiration of each of said terms, an examiner shall be appointed for the term of three years. The other two examiners shall be practicing attorneys, in good standing, in any of the courts of the State of Pennsylvania. One of them shall be appointed for the term of one year, and the other for two years, and upon the expiration of each of said terms, a successor shall be appointed for the term of three years. The examination for certificates shall be based upon an examination in commercial law and general accounting; said examination shall take place in Philadelphia and Pittsburgh, once a year, in the month of November of each year, under such rules and regulations as

may be adopted by the board. In no event, however, shall a special examination be given or a degree granted to any person, except by passing a regular examination as herein provided for, but certified public accountants of other states of the United States, who have practiced for five years prior to living in Pennsylvania, may be certified at the discretion of the said board for certificates without any examination. The fees provided by this act shall be twenty-five dollars for each applicant, from which shall be paid the actual traveling expenses of the members of the board and expenses incident to such examination, for office rent, stationery, printing, and clerk hire, a sum not exceeding three hundred dollars per annum; and if any surplus above said expenses shall remain at the end of the year it shall be paid into the treasury of the Commonwealth. The results of such examination shall be certified to the Governor, within sixty days after said examination, and filed in the office of the Secretary of Internal Affairs, and kept for reference and inspection for a period not less than five years, the Governor to issue the certificates.

Section 1, Act of June 4, 1915, P. L. 839, amending Section 2, Act of March 29, 1899, P. L. 21.

3. Revocation of Certificates. The Governor of the State of Pennsylvania may revoke any such certificate for sufficient cause, upon the recommendation of the Board of Examiners, who shall have given written notice to the holder thereof, and after he has had a hearing thereon.

Section 3, Act of March 29, 1899, P. L. 21.

4. Power of Board of Waive Examinations in Certain Cases. The Board of Examiners may, in its discretion, waive the examination of any person who shall have been for three years before the passage of this act practicing in the State of Pennsylvania as a public accountant, and who shall apply in writing for such certificate within one year after the passage of this act.

Section 4, Act of March 29, 1899, P. L. 21.

5. Penalties. If any person shall hold himself out as having received the certificate provided for in this act, or shall assume to practice thereunder as a certified public accountant, or use the initials C. P. A., without having received such certificate, or after the same shall have been revoked, he shall be deemed guilty of misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars.

Section 5, Act of March 29, 1899, P. L. 21.

ATTORNEYS-AT-LAW.

(a.) Admission of Attorneys-at-Law.

1. Judges to Admit Attorneys. The judges of the several courts of record of this Commonwealth shall respectively have power to admit a competent number of persons of an honest disposition, and learned in the law, to practice as attorneys in their respective courts.

Section 68, Act of April 14, 1834, P. L. 333.

"Attorneys are officers of the court, and before admission take a prescribed official oath. In the sections of the Act of 1834 regulating their admission, prescribing penalties for misbehavior in office, and defining their powers and duties, they are styled attorneys; but it is plain that word means attorneys-at-law."—*Cooper v. Shaver*, 101 Pa. 547.

2. Attorneys admitted to practice in Supreme Court to be admitted to practice in any other court. That from and after the passage of this act, any attorney and counsellor-at-law, who shall have been duly admitted to practice in any court of common pleas and in the Supreme Court of this Commonwealth, shall be admitted to practice in any other court of this Commonwealth upon motion simply, by exhibiting to the court a certificate of admission to the Supreme Court and filing a certificate of the presiding judge of the county or district, from which he came, setting forth that he is of reputable professional standing and of unobjectionable character. Upon such admission, the clerk of the court shall keep a record thereof on the minutes of such court.

Section 1, Act of May 19, 1887, P. L. 131, amending Section 1, Act of May 7, 1885, P. L. 16.

The certificate of the "presiding judge of the county from whence he came setting forth that he is of reputable professional standing," etc., to be filed by an attorney with the certificate of his admission to the Supreme Court, to entitle him to be admitted on motion to practice in "any other court of the Commonwealth," under the Act of May 7, 1885, P. L. 16, as amended by the Act of May 19, 1887, P. L. 131, must be the certificate of the judge of the county where the applicant last practiced as a resident attorney.

Moreover, as the question whether an attorney shall be admitted to practice by a court of record or not, is a judicial and not a legislative question, the said Act of 1887 is an encroachment upon the judicial department of the government, as unwise as it is illegal, and such admission will not be enforced by this court by mandamus.—*Petition of Jos. P. Splane*, 123 Pa. 527.

The above case so far as it declared the Act of 1887 unconstitutional, was overruled in *Hoopes v. Bradshaw*, 231 Pa. 485.

3. Admission to the Supreme Court to operate as an admission to every other court. Admission now had or that may hereafter be had to practice as an attorney-at-law in the Supreme Court of this Commonwealth, shall of itself, without more, operate as an admission of

such attorney as an attorney-at-law in every other court of this Commonwealth, without any other or further action by such other courts or by such attorney.

Section 1, Act of May 8, 1909, P. L. 475, No. 266.

This act was declared constitutional in *Hoopes v. Bradshaw*, 231 P. 485.

4. Oath. Before any attorney, admitted as aforesaid, shall make any plea at the bar except in his own case, he shall take an oath or affirmation, as follows, viz:

You do swear or affirm that you will support the Constitution of the United States and the Constitution of this Commonwealth, and that you will behave yourself in the office of attorney within this court, according to the best of your learning and ability, and with all good fidelity, as well to the court as to the client, that you will use no falsehood, nor delay any person's cause for lucre or malice.

Section 69, Act of April 14, 1834, P. L. 333.

See Section 38, Act of August 22, 1752, 1 Sm. L. 218, containing similar provisions.

(b) Who Not Eligible to Practice.

5. Certain officers not eligible to practice. No judge of any court of this Commonwealth shall practice as attorney or counsellor in any court of justice in this Commonwealth or elsewhere [nor shall he hold or exercise the office of alderman or notary public].

Nor shall any alderman or justice of the peace practice as aforesaid, in any case which has been or may be removed from before him by appeal or by a writ of certiorari, or act as agent in any such case.

Nor shall any prothonotary or clerk of any court practice as aforesaid, in the court of which he shall be prothonotary or clerk.

Nor shall the register of wills of any county practice as aforesaid, in the orphans' court of the same county.

Section 75, Act of April 14, 1834, P. L. 333.

By the Act of April 14, 1835, P. L. 259, it was provided "That the seventy-fifth section of the act, to which this is a supplement, shall not be construed to extend to such person or persons as at the time of the passage of said act held or exercised the office of alderman or notary public."

6. Judges of municipal court not permitted to practice. It shall be unlawful for any judge of said court to practice law during his continuance in office.

Part of Section 2, Act of July 12, 1913, P. L. 711.

This is the act which establishes the municipal court of Philadelphia, and the judges therein referred to are the judges of that court.

7. Justices of the peace and aldermen not to practice in certain cases. Hereafter it shall not be lawful for any justice of the peace or alderman to receive fees or money, as [agent, or] counsellor, or to act as an attorney-at-law, in any case which has been or shall be removed from before him, by appeal or certiorari into any court in this Commonwealth.

Section 2, Act of March 25, 1831, P. L. 211.

8. Registers of wills and clerks of the orphans' courts not permitted to practice in orphans' court. Hereafter it shall not be lawful, for any register of wills in this Commonwealth, to practice as an attorney, solicitor or counsellor, in the orphans' court of the county, wherein he is or shall be register of wills, or for any clerk of any orphans' court to practice or act as an attorney, solicitor or agent, in the court of which he is or shall be clerk.

Section 3, Act of March 25, 1831, P. L. 211.

(c) Practice by Persons Not Admitted Prohibited. Penalty.

9. Practice by persons not admitted prohibited. From and after the passage of this act it shall not be lawful for any person in any county in the State of Pennsylvania to hold himself out to the public as being entitled to practice law, or use or advertise the title of lawyer, attorney-at-law, attorney and counsellor-at-law, counsellor, or the equivalent in any language, in such manner as to convey the impression that he is a practitioner of the law of this or any other State, nation, country, or land; or in any manner to advertise that he, either alone or together with another person, or persons, has, owns, conducts, or maintains a law office, or law and collection office of any kind, for the practice of the law of this or any other state, nation, country or land, without having first been duly and regularly admitted to practice law in a court of record of any county in this Commonwealth.

Section 1, Act of April 17, 1913, P. L. 80, amending Section 1, Act of April 28, 1899, P. L. 117.

10. **Penalty.** Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and shall upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars and to undergo an imprisonment not exceeding one year, either or both, at the discretion of the court.

Section 2, Act of April 28, 1899, P. L. 117.

(d) Offices Incompatible with That of Attorney.

11. **Attorneys not eligible to office of prison inspector.** No [alderman or] practicing attorney shall be eligible to the office of an inspector of the county prison.

Section 8, Act of May 15, 1874, P. L. 186.

(e) Suspension and Disbarment.

12. Misbehavior in office cause for removal or suspension. If any attorney-at-law shall misbehave himself in his office of attorney, he shall be liable to suspension, removal from office, or to such other penalties as have hitherto been allowed in such cases by the laws of this Commonwealth.

Section 73, Act of April 14, 1834, P. L. 333.

Fornication is not such an offense as would subject an attorney to disbarment.—In re H—— T——, 2 Penny. 84.

If it was an attempt to obstruct the due administration of justice it was an indictable offense, and the offender was entitled to a trial in due course of law.—In re H—— T——, supra.

An attorney can only be disbarred for misconduct in his professional capacity or respecting his professional character. Although there may be cases of misconduct not strictly professional which would clearly show a person to be unfit to be an attorney, as theft, forgery or perjury, but even for such an offense he cannot be summarily disbarred, without a formal indictment, trial and conviction.—Ex parte Steinman and Hensel, 95 Pa. 220. See also Rule on A for disbarment, 11 D. R. 268.

It is not the law that the court cannot strike from its rolls the name of an attorney who has committed an indictable offense in his office of attorney while the indictment therefor is pending against him.—In re Shoemaker, 2 Sup. Ct. 27.

13. Attorneys retaining moneys belonging to clients. If any such attorney shall retain money belonging to his client, after demand made by the client for the payment thereof, it shall be the duty of the court to cause the name of such attorney to be stricken from the record of the attorneys, and to prevent him from prosecuting longer in the said court.

Section 74, Act of April 14, 1834, P. L. 333.

This section is a re-enactment of Section 9, Act of March 21, 1806, P. L. 558.

Demand by a client for money retained by attorney is a statutory prerequisite to disbarment for such retention.—Rule on A for disbarment, 11 D. R. 268. See also In re Graffuis, 241 Pa. 222.

14. Allegheny county court may suspend or exclude attorneys. The county court shall have the right to suspend or exclude any attorney, who has been guilty of improper conduct, from further appearance in this court.

Part of Section 17, Act of April 2, 1913, P. L. 21, amending Section 17, Act of May 5, 1911, P. L. 198.

The court herein referred to is the county court of Allegheny county.

15. Disbarment or Suspension by Supreme Court to operate as disbarment or suspension in all other courts. Disbarment or suspension of any attorney-at-law by the Supreme Court of this Commonwealth shall of itself, without more, operate as a disbarment or suspension of such attorney as an attorney-at-law in every other court of this Commonwealth, without any other or further proceeding being required to be had in such other courts.

Section 2, Act of May 8, 1909, P. L. 475.

This act was declared constitutional in *Hoopes v. Bradshaw*, 231 Pa. 485.

16. Appeals to Supreme Court in cases of disbarment or suspension of attorney. Power of Supreme Court. In all cases of any proceedings in any court of this Commonwealth against any attorney of said court for unprofessional conduct as an officer of such court, said attorney shall be entitled to a writ of error from the Supreme Court of this Commonwealth, as in civil cases, to said court, from any judgment, order or decree of said court, against him as such officer, which writ of error shall remove the record and all the proceedings therein to the Supreme Court of this Commonwealth; and it shall be the duty of said Supreme Court to review the same de novo; and the complainant shall have the right to offer new testimony by deposition or otherwise as said Supreme Court may direct, and upon hearing, said court may modify, reverse or affirm said judgment, order or decree of the court below, as the justice and equity of the case shall require, and such cases shall be placed, if desired, at the head of the list of the next sessions of said court in any district where it may sit, to be determined after all homicide cases have been disposed of; said writ of error shall be issued as of course within two years from the judgment, order or decree as aforesaid.

Section 1, Act of May 19, 1879, P. L. 66.

Though the Act of May 19th, 1879, P. L. 66, is very badly framed, it was the intention of the legislature to provide that this court should review the proceedings of the inferior courts in striking attorneys from the rolls, in all cases, and should judge of the sufficiency of the cause.—*In re H——— T———*, 2 Penny. 84.

It would seem that some of these appeals would now be to the Superior Court.

17. Costs on Appeals. And in case said judgment, order or decree shall be modified or reversed, all costs, charges and expenses shall be paid by the proper county in which said proceedings arose, and in case the same shall be affirmed the same shall be paid by such complainant.

Section 2, Act of May 19, 1879, P. L. 66.

(f) Powers and Duties.

18. Powers of Attorneys. Every such attorney shall have power to commence, prosecute and defend, all actions and suits in which he may be retained or concerned, from time to time, in the manner and with the effect hitherto allowed and practiced.

Section 70, Act of April 14, 1834, P. L. 333.

19. Right of Counsel to Appear in Allegheny County Court. Every party shall have a right to appear and to plead his cause in person, or by counsel admitted to practice in the courts of common pleas of said county.

Part of Section 17, Act of April 2, 1913, P. L. 21, amending Section 17, Act of May 5, 1911, P. L. 198.

The right to appear and plead referred to is in the county court of Allegheny county.

20. Right of Counsel to Be Heard in Civil Suits. In all civil suits or proceedings in any court within this Commonwealth, every suitor and party concerned, shall have a right to be heard by himself and counsel, or either of them.

Part of Section 9, Act of March 21, 1806, P. L. 558.

While this act was temporary it was made perpetual by the Acts of May 29, 1809, P. L. 125, Section 19, and March 20, 1810, P. L. 145, Section 28.

21. Right of Counsel to Appear in Criminal Prosecutions. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel. * * * * *

Constitution, Article I, Section 8.

22. Right of Client to Communicate with Counsel in Criminal Prosecutions. [No person who may hereafter be arraigned on any indictment, and who shall be bound by recognizance to appear and abide by the judgment of the court, shall be placed within the prisoner's bar to plead such indictment, or be confined therein during his trial;] and all persons shall have an opportunity of a full and free communication with their counsel.

Section 34, Act of March 31, 1860, P. L. 427.

(g) Warrant of Attorney.

23. Attorneys, if Required, to File Warrant of Attorney. The attorney for the plaintiff in every action, shall, if required, file his warrant of attorney in the office of the prothonotary or clerk of the court in which such action shall be depending, at the term of the court in which he declares; and the attorney for the defendant shall, if required, file in like manner his warrant of attorney, at the term of the court in which he appears.

Section 71, Act of April 14, 1834, P. L. 333.

The requirement of the Act of April 14, 1834, P. L. 354, that every attorney if called on to do so shall "File his warrant of attorney in the office of the prothonotary, or clerk of the court in which such action shall be dependent," is not met by proof that the action was originally brought with the consent of the plaintiff. The act requires a specific form of proof to be filed in order that the right may be clearly and indisputably shown, and this requirement cannot be dispensed with.—*Fisler v. Reach*, 202 Pa. 74.

The words "if required" construed: *Comm. v. Serfass*, 5 Pa. C. C. 139.

24. Penalty for Failure to File Warrant of Attorney. If any attorney shall neglect or refuse to file his warrant of attorney in the manner required by law, he shall not be allowed a fee in the bill of costs, nor be suffered to speak in the cause until he shall have filed his warrant.

Section 72, Act of April 14, 1834, P. L. 333.

(h) Fees of Attorneys-at-Law.

25. Fees. The attorneys-at-law of the several courts of this Commonwealth shall be entitled to receive:

For every suit prosecuted to judgment, discontinuance or non pros, the sum of three dollars.

For each judgment entered by warrant of attorney, three dollars.

For judgment obtained in amicable actions, or the filing of a declaration and confession of judgment thereon, three dollars.

Section 9, Act of April 2, 1868, P. L. 3.

This section is not in force in the counties of Allegheny, Philadelphia and Washington. In those counties Section 2 of the Act of February 22, 1821, P. L. 50, is still in force. While originally the Act of 1868 did not apply to the counties of Allegheny, Lancaster, Montgomery, Philadelphia, Beaver and Washington, it was extended to these counties, as follows: To Beaver county, by the Act of March 22, 1869, P. L. 478; to Montgomery county, by the Act of April 10, 1873, P. L. 641, and to Lancaster county by the Act of May 5, 1899, P. L. 246.

A plaintiff is not entitled to have the statutory attorney's fee of \$3 taxed as costs upon a judgment recovered before a justice of the peace where a transcript thereof has been entered in the office of the prothonotary of the proper county.—*Lazarus v. Hartland*, 14 D. R. 552.

A county solicitor is entitled, in addition to his salary, to the statutory record fee of \$3 for filing a tax lien and issuing a scire facias thereon. Such fee is one which attaches to his office of attorney-at-law, and not to his office as solicitor for the county.—*Beaver County v. Bradshaw*, 41 C. C. 235. See also *Pittsburgh v. O'Brian & Rodgers*, 239 Pa. 60.

26. Fees. The attorneys-at-law of the several courts of this Commonwealth shall be entitled to receive:

	Dolls. Cts.
For issuing praecipe for the commencement of any suit, entering an appearance on the prothonotary's docket if the suit is ended on or before the first day of the first term,	1.50
Every suit ended after the first day of the first term, and before judgment, discontinuance, or non pros, the further sum of,	1.50
Every suit prosecuted to judgment, discontinuance, or non pros,	3.00
On an appeal from the judgment of a justice of the peace, if settled on or before the first day of the term, to which the appeal is entered, the sum of,	1.00
If settled after the first day of such term and before judgment, the sum of,	2.00
If judgment is rendered, non-suit or discontinuance obtained, the sum of,	3.00
On all judgments entered by warrant of attorney on application of plaintiff or on confession [and transcripts of judgments from the dockets of justices of the peace, filed in the courts of common pleas on which executions are issued, the sum of],	3.00
On all judgments obtained in amicable actions, or the filing of a declaration and confession of judgment thereon, the sum of,	3.00
Section 2, Act of February 22, 1821, P. L. 50.	

So much of the above section as allowed attorneys-at-law of the several courts of this Commonwealth three dollars on transcripts of judgments from the dockets of justices of the peace filed in the courts of common pleas on which executions are issued, was repealed by the Act of January 19, 1822, P. L. 3.

This section seems to be repealed by the Act of April 2, 1868, P. L. 3, supra Section 25, but is still in force in the counties of Allegheny, Philadelphia and Washington, in which the Act of 1868 does not apply.

The docket or attorney fee provided by the Act of February 22, 1821, P. L. 50, belongs to an attorney-at-law by virtue of his office and not to his client.—Pittsburgh v. O'Brian & Rodgers, 239 Pa. 60. See also Beaver Co. v. Bradshaw, 57 Sup. Ct. 144.

27. Attorney Fees in Suits on Bonds and Notes, Etc. In suits, on the same instrument, bond or note, where several are bound, and in suits against the maker, endorser or endorsers, of any note; and in suits on any bill of exchange against the drawer, acceptor or any

endorser or endorsers thereof, there shall be a taxation and recovery of the attorney and counsel fees, taxable by law, in one of the said suits only, at the election of the party plaintiff; and no fees for attorney or counsel, shall be allowed or taxed, in any suit or suits, brought on the same instrument, bond, note or bill of exchange, against the party or parties thereto, other than in one where the election is made as aforesaid.

Proviso to Section 1, Act of April 11, 1825, P. L. 225.

This is a proviso to a section the first part of which repeals the first section of the Act of March 29, 1819, P. L. 226, entitled "An act regulating suits on promissory notes, and for taking stock in execution," and at the same time saves the rights of parties to any pending suits. It is questionable whether the above part of this section relates to these pending suits only, or whether it is general in its application. The digests consider this part of the section as general.

28. No Attorney Fee to Be Taxed on Judgments Entered by Confession Where Amount is Less Than One Hundred Dollars. Hereafter no attorney or judgment fee shall be allowed or taxed on the entry of any judgment by confession in any court in this Commonwealth, where suit has not been previously commenced, and where the amount of said judgment shall not exceed the sum of one hundred dollars, and the tax to be paid upon the entry of judgments as aforesaid, and upon the entry of any transcript of the judgment of a justice of the peace or alderman, to create a lien, shall be paid by the plaintiff, without recourse to the defendant.

Section 8, Act of May 6, 1844, P. L. 564.

29. No Attorney Fees to Be Taxed on Judgments Under One Hundred Dollars Entered by Warrant of Attorney. From and after the passage of this act no attorney fees shall be taxed on judgments under one hundred dollars entered by warrant of attorney.

Section 1, Act of May 5, 1876, P. L. 112.

(i) Liens for Counsel Fees.

30. Attorney to Have Lien for Compensation for Services on Client's Cause of Action. Lien to Attach to Award, Etc. From the commencement of any action or proceeding, either at law, in equity, or otherwise howsoever, or the filing of any counterclaim or any pleading, the attorney who appears of record for a party therein shall have a lien for his compensation for his services upon his client's cause of action, claim, or counter-claim, which shall attach to any award, order, report, decision, compromise, settlement, verdict, or judgment in the client's favor, and the proceeds thereof in whosoever hands they may come; and the said lien shall not be affected or defeated by any compromise or settlement between

the parties before or after judgment: Provided, however, That nothing herein contained shall prevent the bona fide compromise or settlement of litigation by the parties thereto, subject to the lien of the attorney as provided by this act.

Section 1, Act of May 6, 1915, P. L. 261.

This act is not retrospective, and does not apply to causes instituted before its passage.—*Smyth v. Goebel*, 63 Sup. Ct. 585.

This act is unconstitutional.—*Laplace v. Transit Co.*, 68 Sup. Ct. 208.

31. Power of Court to Enforce Lien. Appeal. The court in which the cause is brought shall, on the petition of the client or of the attorney, have jurisdiction to determine and enforce the lien, subject to the right of appeal to the person aggrieved, as in other cases.

Section 2, Act of May 6, 1915, P. L. 261.

(j) Contempts of Court.

32. Power of Courts with Regard to Contempts. The power of the several courts of this Commonwealth to issue attachments, and to inflict summary punishments for contempts of court, shall be restricted to the following cases, to wit:

I. To the official misconduct of the officers of such courts, respectively.

II. To disobedience or neglect by officers, [parties, jurors or witnesses] of or to the lawful process of the court.

[III. To the misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.]

Section 23, Act of June 16, 1836, P. L. 784.

The power to inflict summary punishment by imprisonment for contempt is limited to courts of record, and to such other tribunals as have been invested with this power by statutory enactment.—*Llewellyn's Case*, 13 Pa. C. C. 126.

33. To What Cases Punishment by Imprisonment Extends. The punishment of imprisonment for contempt, as aforesaid, shall extend only to such contempts as shall be committed in open court, and all other contempts shall be punished by fine only.

Section 24, Act of June 16, 1836, P. L. 784.

34. Payment of Fines in Cases of Contempt. Sheriffs May Deputize Sheriffs of Other Counties to Take into Custody Persons Fined for Contempt. The court may order the sheriff or other proper officer to take into custody and commit to jail any person fined for a contempt, until such fine shall be paid or discharged; but if such person shall be unable to pay such fine, he may be committed to prison by the court, for any time not exceeding three months. If the person fined for a contempt is in or has removed to another

county, the sheriff or other proper officer may deputize the sheriff of such other county to take such person into custody and deliver him or her to the sheriff or other proper officer of the county whose court has imposed the fine.

Section 1, Act of July 11, 1917, P. L. 813, amending Section 25, Act of June 16, 1836, P. L. 784.

35. Power of Courts to Issue Rule for the Return of Money, Papers, Etc., in Hands of Attorneys. The several courts aforesaid shall have power [to make rules on sheriffs and coroners for the return of all process in their hands, and for the payment of money, or delivery of any article of value in their possession, according to their respective duties, and also] to make rules upon attorneys for the payment of money, and the delivery of deeds, and other papers in their hands, belonging to their clients, and in every such case to enforce obedience to such rules, by attachment; [and the courts shall have the same power against former sheriffs and coroners, if application be made for the purpose, within two years after the termination of their offices respectively].

Section 28, Act of June 16, 1836, P. L. 784.

See Section 3, Act of March 28, 1808, P. L. 168, on same subject.

(k) Confidential Communications.

36. Counsel Not Competent to Testify to Confidential Communications in Criminal Proceedings. In such criminal proceedings:

* * * * *

(d) Nor shall counsel be competent or permitted to testify to confidential communications made to him by his client, or the client be compelled to disclose the same, unless in either case this privilege be waived upon the trial by the client.

Part of Section 1, Act of April 27, 1909, P. L. 179, amending Section 2, Act of May 23, 1887, P. L. 158.

37. Counsel Not Competent to Testify to Confidential Communications in Civil Proceedings. In such civil proceedings:

* * * * *

(d) Nor shall counsel be competent or permitted to testify to confidential communications made to him by his client or the client be compelled to disclose the same, unless in either case this privilege be waived upon the trial by the client.

Part of Section 5, Act of May 23, 1887, P. L. 158.

AUCTIONEERS.

1. **Amounts to Be Paid by Auctioneers for Commissions.** On and after December first next the amounts to be paid for commissions, for one year, as auctioneers in this Commonwealth, shall be as follows, viz:

For a commission of the first class, three thousand dollars.

For a commission of the second class, two thousand dollars.

For a commission of the third class, twelve hundred and fifty dollars.

For a commission of the fourth class, seven hundred and fifty dollars.

For a commission of the fifth class, two hundred dollars.

Section 2, Act of May 19, 1871, P. L. 270.

It would seem that this section was repealed by the Act of June 26, 1873, P. L. 332 (1874). See Section 2 *infra*, and notes. The legislation relating to auctioneers is largely of a local character. The numerous local acts on this subject have been compiled and are published in 2 Pa. C. C. 242, to which the reader is referred. The classification referred to by the above section seems to have been established by local acts.

2. **Auctioneers to Pay and Be Rated Same as Merchandise Brokers.** That from and after the first day of May next, auctioneers shall be rated with merchandise brokers, and in lieu of all commissions heretofore directed to be paid by them, shall pay, in the same manner as brokers, a license tax similar to that paid by said brokers, and no other: Provided, That no auctioneer's license shall be issued for the city and county of Philadelphia for a less sum than five hundred dollars, and all former laws or parts of laws at variance with this act, or prescribing other forms, shall be and are hereby repealed.

Section 1, Act of June 26, 1873, P. L. 332 (1874).

This act seems to have greatly changed the law with regard to auctioneers. It would seem as if licenses should now be issued by the county treasurer and that the cost of the license would be fixed by the act governing merchandise brokers (May 7, 1907, P. L. 175), which provides as follows:

"That from and after the passage of this act, all brokers, whether stock brokers, bill brokers, note brokers, exchange brokers, merchandise brokers, factors or commission merchants, real estate brokers and agents, or pawnbrokers, whether persons, firms, limited partnerships, or corporations, shall pay an annual license tax to this Commonwealth upon his, their, or its gross annual receipts from commissions and other earnings, in the transaction of his, their, or its business, as follows, namely: Ten dollars by those whose gross annual receipts are less than five thousand dollars; twenty-five dollars by those whose gross annual receipts are five thousand dollars, or in excess thereof and less than ten thousand dollars; fifty dollars by those whose gross annual receipts are ten thousand dollars, or in excess thereof, and less

than twenty thousand dollars; one hundred dollars by those whose gross annual receipts are twenty thousand dollars and upwards."

The effect of this Act of 1873 has been ably discussed by Judge Endlich in *Com. ex rel. Luden v. Kutz, Co. Treas.*, 6 D. R. 571, which is quoted at length:

"The relator (who, it is agreed by counsel, is a citizen of this State and has been a resident of the city of Reading for a year past), averring that he is in possession of a store room which he is desirous of converting into an 'auction house' for the purpose of making sales by auction of all and every description of merchandise and personal property, that he has applied to defendant for an auctioneer's license, offering to pay the fee required by law, and that defendant has refused to accept any fee or issue the license applied for, prays for a mandamus compelling defendant to do so. Defendant answers, admitting the facts averred by the relator, but denying that he, and alleging that the Governor of the Commonwealth, is the proper authority to be applied to for and to issue such license. The relator demurs to this answer and defendant joins in the demurrer.

"By Act of March 8, 1847, P. L. 256, extending to Berks county the Act of April 17, 1846, P. L. 364, the Act of April 7, 1832, P. L. 361, became the law in this county on the subject of auctions and auctioneers. Under that law, auctioneers were commissioned by the Governor for one year, upon payment to the State Treasurer of a fee of \$500 and the filing with the Secretary of State of a bond in \$5,000, with sureties approved by the judges of the common pleas, conditioned for the faithful performance of the principal's duties as an auctioneer and payment of all duties and taxes coming due to the State in consequence of his exercising the trade or occupation of auctioneer. Certain 'rates of duties' on all articles struck off or sold were required to be, by the auctioneer, received and paid to the State Treasurer, and, except so far as inconsistent with the provisions of the enactment, he was made 'subject to the same conditions, rules, regulations and restrictions as auctioneers in Philadelphia.' The law as it thus stood was superseded by the Act of May 19, 1871, P. L. 976, 'authorizing the appointment of auctioneers for the city of Reading' by the Governor, upon payment into the treasury of the Commonwealth of \$200 and the filing in the office of the secretary of a bond similar to that required by the Act of 1832, the commission conferring upon its recipient the right 'to open an auction house in said city and to make sales by auction, according to law, of all and every description of merchandise, personal property, stocks and real estate whatsoever, at his place of business, within the limits of said city, for the term of one year from the date of such commission.' Persons not so commissioned are prohibited from making sales by auction or public outcry in said city, and every auctioneer commissioned in pursuance of the act is declared entitled to the same privileges and 'subject to the same conditions, rules, regulations and restrictions * * * as * * * auctioneers of the cities of Philadelphia, Pittsburgh and Lancaster,' so far as consistent with the provisions of the enactment. There is, except in the description of the bond exacted, which follows that of the Act of 1832, no reference to 'duties' or 'taxes' payable to the State, and it would seem, therefore, that none such were exacted. Two years thereafter was passed the Act of June 26, 1873, P. L. (1874) 332, 'to regulate the commission or license fee to be paid by auctioneers.' It is a general act, and reads as

follows: That * * * auctioneers shall be rated with merchandise brokers, and, in lieu of all commissions heretofore directed to be paid by them, shall pay, in the same manner as brokers, a license tax similar to that paid by said brokers and no other: Provided, That no auctioneer's license shall be issued for the city and county of Philadelphia for a less sum than \$500, and all former laws or parts of laws at variance with this act or prescribing other forms shall be and are hereby repealed."

"What is the meaning of this enactment? The title, which is part of it and an important guide to its interpretation (*Railroad Co. v. Riblet*, 66 Pa. 164; *Eby's Appeal*, 70 Pa. 311; *Halderman's Appeal*, 104 Pa. 251), indicates its purpose to be to regulate the 'commission or license fee,' i. e., the commission fee or license fee to be paid by auctioneers. It is, therefore, with reference to the amount to be paid by them for the privilege of engaging in the business that they are to be 'rated.' To 'rate' is to set an estimate on, to value at a certain price or degree, to assess for the payment of a tax or rate: Webster, ad verb. Hence, the meaning of the legislature is, that for the purpose of ascertaining what sum a person is to pay in order to be qualified as an auctioneer, that privilege is to be estimated, valued, assessed 'with,' i. e., as upon the same footing with, that of merchandise brokers. Having so declared, the statute goes on to say that such person shall pay a license tax similar to that paid by said brokers, and in the same manner in which they pay the same, and no other. In other words, the price of the privilege of engaging in the business of auctioneering shall be the payment of a sum to be ascertained by treating the applicant as a merchandise broker and requiring him to pay the same that is exacted from such a one, which sum is to be paid by the auctioneer in the same way as if he were a merchandise broker. And that sum, the statute says at the very outstart, shall be 'in lieu of all commissions heretofore directed to be paid' by auctioneers. The word 'commissions,' in this place, is an awkward one. 'In the business as well as the legal acceptance of the term, it means a percentage on price or value.'—*Brennan v. Perry*, 7 Phila., 242, 243. It clearly does not mean that here. The legislature is speaking of something theretofore payable for the privilege of engaging in a certain business. That privilege, under some one hundred and sixty earlier statutes, had been evidenced by what was termed a 'commission' issued to the applicant. The title of this very statute refers to the payment to be made therefore as a commission fee. Manifestly that is what is intended by the word 'commissions.' In short, the meaning of the language used is that the payment required by this enactment for the right to engage in the business of auctioneering is to take the place of the payments previously required for the same right. Thus the enacting part of this statute discloses no purpose to affect anything but the sum to be paid for that right and the manner of its payment. It does not abolish the necessity for a license, as is evident, not only from the reference in the title to a commission or license fee, but also from the first clause of the proviso forbidding the issuing of an auctioneer's license in Philadelphia for a less sum than \$500. The effect of the repealing clause, therefore, must be to supersede such parts of all previous legislation (of course, including local: *Com. v. Cotton*, 14 Phila. 667; *Com. v. Crall*, 2 C. C. 240; *Com. v. Masten*, 4 C. C. 439) as, in the matter of the amount and the manner of the payments exacted from persons for the privilege of

engaging in the auctioneering business, may be found to be at variance with its affirmative provisions.

"The question next arises, to what extent, keeping these particulars in view, is the Act of 1871 superseded by that of 1873? That must depend upon the terms of the law relating to merchandise brokers imported into the Act of 1873.

"The Act of April 10, 1849, Sec. 18, P. L. 573, extends to merchandise brokers the provisions of the Act of May 27, 1841, P. L. 296, which directs that the county treasurer shall grant a commission, good for one year, to persons desiring to engage in the business of stock brokers, upon payment by such person into the county treasury of \$100 in Philadelphia, \$50 in Allegheny, and \$30 in any other county. The Act of May 15, 1850, P. L. 772, changes the law as to merchandise (and other) brokers, so as to require them, in all parts of the State, to pay annually to the use of the Commonwealth, 'for their respective commissions or licenses,' three per cent. upon the annual income of their business (section 9); directs an assessment to be made of such brokers by the appraisers of mercantile taxes in the same manner as in the case of vendors of merchandise (section 10), and repeals previous statutory provisions on the subject of the amount of the tax for a commission or license (section 11). This, then, is the amount and the manner of the payment required by the Act of 1873. When we come to compare these with the amount and the manner of payment prescribed by the Act of 1871, in order to determine wherein the two statutes are 'at variance' with each other, it seems very clear that the departure is not in the amount alone, but still more emphatically in the manner of payment, and that the latter involves an incongruity between its essential features and the continuance of the licensing power in the Governor, with the incident of the filing of a bond with the Secretary of State. It is only necessary to recall the facts that, instead of being a fixed amount, the sum payable is to be determined by way of percentage upon the volume of business; that this is to be ascertained by an assessment at the hands of an officer appointed by the county commissioners in each county, and that the sum thus fixed is payable into the county treasury (for there is nothing in the Act of 1850 to change that feature of the Act of 1841). Still, a license is just as indispensable under the Act of 1873 as it was before, and under the Act of 1850, the license fee is payable in advance: *Com. v. Manley*, 2 Phila. 173. The inference seems irresistible that the legislature, in ordaining a manner of payment inconsistent with the previous method of licensing, intended at the same time to adopt that method which was already part of the system to which the matter of auctioneers was to be assimilated; in a word, that they understood the manner of payment to include the method of licensing, and meant to substitute that method in place of the one previously pursued, thus dispensing with the bond and transferring the power to grant licenses from the Governor to the county treasurer. The power of the latter to issue licenses to auctioneers being thus necessarily implied in the Act of 1873, it is as fully conferred by the same as if it were expressly granted: *United States v. Babbit*, 1 Black 61; *Hanchett v. Weber*, 17 Ill. App. 114; *Siegel v. Lauer*, 148 Pa. 236. It follows that, as regards the source of the license, as well as the amount of the license fee and the requirement of a bond, the Act of 1871 is repealed by that of 1873, and that the defendant is the proper authority to act upon the plaintiff's application.

"This conclusion is in accord with that reached by Futhey, P. J., in *Com. v. Cotton*, supra, and coincided in by McPherson, J., in *Com. v. Crall*, supra, and by Morrow, P. J., in *Com. v. Masten*, supra (referring to a decision to the same effect by Elwell, P. J.), the only cases that have come to my notice in which the relation of the Act of 1873 to previous legislation has been involved. It is, moreover, in accord with the official practice that has obtained since the passage of that act. The proper departments of the government at Harrisburg have consistently acted upon the understanding that the matter of licensing auctioneers was, by the Act of 1873, removed from their spheres. No bonds have been required to be filed as theretofore, and the Governor has issued no auctioneer's licenses. On the contrary, as appears from the Auditor General's reports, the treasurers of the various counties have been in the habit of receiving the payments required to be made by auctioneers, and the Commonwealth has settled with said treasurers for them. It is said by Mr. Justice Dean, in *Com. v. Mann*, 168 Pa. 290, at page 301, that, in the interpretation of statutes involving administrative matters, the construction put upon them from their commencement, by all whose duty it was to construe them or who were affected by them, is worthy of notice, and that courts will attach no slight weight to the uniform practice under them, if this practice has continued for a considerable time, acquiesced in by the Commonwealth. Nor, in this instance, can any argument contrary to the construction thus indicated be derived from what is referred to as public policy. It is, of course, the policy of our government, as is evidenced by the statutes directed against hawking, peddling and the like, and the decisions under them, to give all reasonable countenance to legitimate and regular commerce and trade, as distinguished from enterprises of an unfixed and ephemeral character, which, without offering any real advantages to the public, seriously interfere with the steady course of business. But, in the first place, the public policy of the State as to any particular subject is to be deduced from the course of legislation and the settled adjudications of its highest courts upon that subject: *Van Steuben v. Railroad Co.*, 178 Pa. 368, 373, per McCollum, J. Now, it may be conceded that, down to 1780, the legislation of the province and State of Pennsylvania was decidedly hostile to the auctioneering business. But beginning with the enactment of September 23, 1780, which recites that 'it appears to be necessary, in the present situation of the trade and commerce of this State, that the sale of goods at public vendue should be enlarged and extended' the course of legislation appears to have been dictated by a different view. And in the next place, confronted as we are with an explicit enactment on the subject, we are bound to remember that 'there can be no public policy which contravenes the positive language of a statute': *Carpenter's Estate*, 170 Pa. 203, 209, per Green, J. If, in its necessary effects, there is that which is wrong in principle, dangerous to the public, hurtful to the real interests of the Commonwealth, the remedy, as well as the responsibility, lies with the legislature, not with the courts, whose function is to administer, not to make or unmake the laws.

"For the purposes of a decision of this case, a discussion of the rights, duties and liabilities of auctioneers under the various enactments and parts of enactments which are in force is unnecessary, and it would be therefore out of place. It may, however, be proper to say that, except in the particulars in which the Act of 1873 has super-

seded the previous local and general provisions, the same appear to continue binding, and that, beyond these changes, no license obtained from the county treasurer will protect anyone against the penal consequences ordained by such provisions who, under them, is not entitled to be licensed as an auctioneer, nor anyone who has been lawfully licensed, in the doing of any act by them forbidden to or in the omission of any act by them enjoined upon auctioneers."

3. Second Class Cities Authorized to License Auctioneers. Every city of the second class shall have power, for general revenue purposes, to levy and collect license taxes or fees, to be fixed by ordinance, upon * * * auctioneers * * * and to regulate the collection of the same and to provide penalties for default therein.

Clause XXII, Section 3, Article XIX, Act of March 7, 1901, P. L. 20.

4. Third Class Cities Authorized to License Auctioneers. Every city of the third class in its corporate capacity is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this and other acts:

4. To levy and collect a license tax, not exceeding one hundred dollars each, annually, on all auctioneers, * * * * *

Part of Section 3, Article V, Act of June 27, 1913, P. L. 568.

5. Boroughs Authorized to License Auctioneers. Boroughs may regulate and license persons and firms engaged in the business of auctioneering within the limits of any such borough, and fix the amount to be paid for such license. Such license shall be in addition to all other licenses required by law.

Section 1, Article XX, Chapter VI, Act of May 14, 1915, P. L. 312.

6. To Whom Provisions Not to Apply. The provisions of the preceding section shall not apply for a space of three months, to persons or firms regularly engaged in business in boroughs, who may desire to reduce their stock or retire from business.

Section 2, Article XX, Chapter VI, Act of May 14, 1915, P. L. 312.

7. Credit for Payments Made to Be Allowed When Commission of Auctioneer is Changed During the Year. That if any auctioneer, having paid in advance to the treasurer, the sum prescribed by law, shall apply before the expiration of the year for which he shall have been commissioned, to obtain from the Governor, another commission of a higher or more extensive nature, as auctioneer, in order to procure which the law required a larger sum to be paid to the State Treasurer, the said auctioneer shall be allowed in making such payment, a credit for so much of the sum paid by him in advance, as is proportionate to the unexpired term of his original commission.

Section 8, Act of April 1, 1826, P. L. 163.

8. Tax of Sales by Auctioneers of Foreign Goods Not to Exceed That on Sales of Domestic Goods. That from and after the first day

of December next the tax or duty payable by auctioneers upon sales of goods, wares or merchandise of foreign growth or manufacture, by virtue of any law of this Commonwealth, shall be no greater than upon similar sales of goods, wares or merchandise of American growth or manufacture; and all former laws or parts of laws at variance with this act shall be and are hereby repealed.

Section 1, Act of May 19, 1871, P. L. 270.

9. Provisions of the Sales Act with Regard to Sales by Auction.

In the case of a sale by auction:

First. Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

Second. A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid; and the auctioneer may withdraw goods from sale unless the auction has been announced to be without reserve.

Third. A right to bid may be reserved expressly by or on behalf of the seller.

Fourth. Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself, or to employ or induce any person to bid at such sale on his behalf; or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller, or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

Section 21, Act of May 19, 1915, P. L. 543.

10. Auctioneers to Demand Certain Payments on Sales of Household and Kitchen Furniture and Wearing Apparel. That each and every commissioned auctioneer within this Commonwealth, from and after the first day of May next, shall, and he is hereby required on all sales of household and kitchen furniture and wearing apparel, whether the same shall have been in actual use or not, who may be authorized to make such sales, to demand and receive of the gross amount of such sales, so made, the sum of one dollar and fifty cents, for every hundred dollars thereof, and at and after the same rate for any less sum, and shall account for and pay over the same to the State Treasurer, in such manner as is or shall be provided by law, for moneys arising from duties on sales by auction: Provided, That the duty of one dollar and fifty cents on the hundred dollars' worth of household and kitchen furniture and wearing apparel, which shall have actually been in use, and which shall be sold as in this section mentioned, shall not be demanded or received by any such auctioneer, unless the entire amount of the sales of said goods, being the property

of any one person, or more than one person in common, and by him sold at any one time, and at intervals of not less than three months, shall exceed the sum of one hundred dollars, but such auctioneer shall nevertheless make return, upon oath or affirmation, of all such sales in the usual manner, according to law.

Section 3, Act of April 1, 1826, P. L. 163.

11. Auctioneers to Collect Certain Sums on Sale of Dutiable Articles. That from and after the first day of May next, all and every of the auctioneers within this Commonwealth, shall, in lieu of the sums they are now required to demand and receive, on the gross amount of sales made of dutiable articles, be and they hereby are required to demand and receive on the amount aforesaid, one dollar and fifty cents for every hundred dollars, of such amount and at and after the same rate, for any less sum, and they shall account for and pay over the same, in the usual manner; and that the proviso in the fifth section of the act, authorizing the appointment of an auctioneer for the borough of Pittsburgh, be and the same is hereby repealed from and after the first day of May next.

Section 4, Act of April 1, 1826, P. L. 163.

12. Auctioneers to Render Quarterly Accounts to Auditor General. That from and after the first day of May next it shall be the duty of each and every citizen within this Commonwealth, who has obtained or shall obtain a commission from the Governor, authorizing him to make sales by auction, of household and kitchen furniture, at the dwelling house of the owner thereof, or otherwise, to render to the Auditor General, a quarterly account, under oath or affirmation, of all effects and property sold by him, designating therein, such as were sold by order of executors or administrators, naming the said executors or administrators, and their respective testators or intestates.

Section 5, Act of April 1, 1826, P. L. 163.

The commission or license of an auctioneer is now issued by the county treasurer. See *infra*, Section 2, and notes.

13. Penalty for Selling Liquors at Auctions. If any person or persons whatsoever shall give or sell any rum, wine, or other strong liquors, at the time of any vendue, to any person or persons attending the same, he, she or they so selling or giving any liquors, shall forfeit and pay for the first offense, the sum of four pounds, and for the second and every other offense, the sum of five pounds.

Section 4, 5 Sm. L. 397, 1750.

The passage of this and the next succeeding sections was caused for the reason, as expressed in a preamble to these sections, "that a pernicious custom hath prevailed in many places of giving rum and

other strong liquors to excite such as bid at vendues to advance the price, which, besides the injustice of the artifice, leads to great intemperance and disorders."

14. Who to Receive Fines. Procedure for Recovery and Collection. Every of the fines and forfeitures accruing or becoming due, for offenses against this act, shall be paid, one-half to the overseers of the poor, for the use of the poor of the township within which such offense may be committed, and the other half to the use of him or them who shall inform or sue for the same, before any justice of the peace of this province, who is hereby empowered and authorized to hear and determine the same, and to convict the offender or offenders, either on his own view, or by the legal testimony of one or more witnesses; saving to every such offender or offenders the right of appeal in like manner as is provided in and by an act, entitled "An act for the more easy and speedy recovery of small debts,"—which fines and forfeitures shall be recovered by distress and sale of the offender's goods, or for want of such distress, if the offender refuses to pay, he, she or they shall be committed to prison for every such fines, where the same is twenty shillings, the space of eight days, without bail or mainprize, and so in proportion for any of the greater fines.

Section 5, 5 Sm. L. 397, 1750.

15. Mode of Proceeding for Violation of Laws Relating to Auctioneers. That from and after the passage of this act, the mode of proceeding against any person for a violation of any of the provisions of the laws relating to auctions and auctioneers, shall be by indictment in the court of quarter sessions of the proper county; and whenever complaints shall be made to any justice of the peace, or alderman of the proper county or city, an oath or affirmation, against any person for violating the provisions of the same, it shall be his duty to issue a warrant for the apprehension of such person, and compel him to enter a recognizance with sufficient sureties, for his appearance at the next court of quarter sessions of the proper county, to answer the said complaint; and any person being thereof duly convicted shall pay a fine of not less than three hundred nor more than one thousand dollars, for each and every offense, at the discretion of the court, together with the costs of prosecution; one-third of which fine shall go to the use of the person or persons lodging the information, and the residue shall be for the use of the Commonwealth.

Section 2, Act of February 24, 1847, P. L. 164, No. 121.

16. Duty of the Attorney General and District Attorney. It shall be the duty of the Attorney General, or his deputy for the proper county, upon complaint to either of them, made under oath or affirmation, of a violation of any of the provisions of the laws relating

to auctions or auctioneers, or under the direction of the Auditor General or State Treasurer, to prepare a bill of indictment against the offender or offenders, and present the same to the grand jury then in session, or to the next grand jury which shall assemble in and for the county in which such violation may have taken place; and the Attorney General, or his deputy, as the case may be, shall be allowed by the Auditor General, a compensation, out of the amount collected, not exceeding ten per cent. on the same.

Section 3, Act of February 24, 1847, P. L. 164, No. 121.

BAKERS.

1. Employes of Bakers Permitted to Work Six Days Per Week Only. Minors Under Eighteen Years of Age. That no employe shall be required, permitted or suffered, to work in a biscuit, bread or cake bakery, confectionery establishment more than six (6) days in any one week, said week to commence on Sunday not before six o'clock post meridian, and to terminate at the corresponding time on Saturday of the same week. No person under the age of eighteen (18) years shall be employed in any bake house between the hours of nine (9) o'clock at night and five (5) o'clock in the morning. Excepted from this rule shall be the time on Sunday for setting the sponges for the night's work following.

Section 1, Act of May 27, 1897, P. L. 112.

This section which prohibits work in bakeries and confectionery establishments more than six days in one week, said week to commence on Sunday not before six o'clock post meridian, and to terminate at a corresponding time on Saturday of the same week is meaningless and absurd, and no indictment upon it can be sustained.—*Com. v. Junker*, 20 Pa. C. C. 503.

2. Hours of Employment of Minors and Adult Women in Bakeries. No minor, male or female, adult woman, shall be employed at labor or detained in any biscuit, bread, pie or cake bakery, pretzel or macaroni establishment, for a longer period than twelve hours in any one day, nor for a longer period than sixty hours in any one week.

Section 1, Act of April 4, 1901, P. L. 68.

Under Section 3, Act of July 25, 1913, P. L. 1024, no female is permitted to work in, or in connection with, any establishment for more than six days in one week, or more than fifty-four hours in one week, or more than ten hours in one day.

Under Section 2, Act of May 13, 1915, P. L. 286, no minor under the age of fourteen years is permitted to work in or about or in connection with any establishment or in any occupation, and under Section 4 of this act no minor under the age of sixteen is permitted to work for more than fifty-one hours in a week, or nine hours in a day or before six in the morning, or after eight in the evening, and these hours include those required to be spent by such minor in school.

3. Plumbing, Drainage and Ventilation in Bakeries. Cellars and Basements Not to Be Occupied by Bakeries. All buildings or room occupied as a biscuit, bread, pretzel, pie or cake bakery, or macaroni establishment, shall be drained and plumbed in the manner directed by the rules and regulations governing the house drainage and plumbing, as prescribed by law, and all rooms used for the purposes aforesaid shall be ventilated by means of air shafts, windows or ventilating pipes, so as to insure a free circulation of fresh air. No cellar, or basement, not now used for a bakery, shall hereafter be occupied and used as a bakery unless the proprietor shall have previously complied with the sanitary provisions of this act.

Section 2, Act of April 4, 1901, P. L. 68.

4. Floors of Bakeries. Walls and Painting. Furniture and Utensils. Animals Not to Be Allowed in Bakeries. Every room used for the manufacture of flour or meal food products shall have a tight floor, constructed of cement, wood or tiles, laid in cement. The inside walls shall be plastered, or painted with oil paint, three (3) coats, or be limewashed. When painted shall be renewed at least once in every five years, and shall be washed with hot water and soap at least once in every three (3) months; when limewashed, the limewashing shall be renewed at least once in every three (3) months. The furniture and utensils in such room shall be so arranged that the furniture and floor may at all times be kept in a thoroughly sanitary and clean condition. No domestic or pet animal shall be allowed in a room used as a biscuit, bread, pie or cake bakery, or in such bakery where flour or meal food products are stored.

Section 3, Act of April 4, 1901, P. L. 68.

As to provisions relating to floors, walls and animals, see also Section 6 *infra*.

5. Bakeries in Tenement Houses. No bakery, [and no place of business in which fat is boiled,] shall be maintained in any tenement house, which is not fireproof throughout, unless the ceiling, side walls and all exposed iron or wood girders or columns, within the said bakery [or within said place where fat boiling is done,] are made safe by fire-proof materials around the same; and there shall be no openings, either by door or window, or otherwise, between said bakery, [or said place where fat is boiled] in any tenement house and the other parts of the said building, except that a dumb-waiter, communicating between the place where the baking is done [or the fat is boiling] and the store above, may be maintained, if entirely enclosed in a brick shaft, with walls not less than eight inches thick, without any opening whatever, except one door opening into the bakery store, so arranged that when one door is opened or partly opened the other door shall be entirely closed.

Section 40, Act of July 22, 1913, P. L. 879.

6. Bakeries to Be Kept Apart from Sleeping Rooms, Urinals, Etc. Animals Not to Be Kept Therein. Floors and Walls of Bakeries. All persons, firms and corporations engaged in the manufacture or baking of bread, cakes, crackers, pastry, pretzels or macaroni, for public sale, shall keep their room or rooms for baking, mixing, storing, or sale of flour or other grain products separate and apart from any sleeping room, water closet, urinal, defective drain or sewer pipe, and shall not permit the harboring of any domestic animal therein. The floors of all baking, mixing, storing and salesrooms shall be kept clean and tightly joined and free from crevices, and the walls and ceilings shall be painted, kalsomined or whitewashed as often as twice in each year, and oftener, if, in the opinion of the Chief Factory Inspector or his deputy, the safety of the employes or the public shall require.

Section 17, Act of May 2, 1905, P. L. 352.

The powers and duties of the factory inspector are now exercised by the Department of Labor and Industry. See Section 23, Act of June 2, 1913, P. L. 286.

As to provisions relating to floors, walls and animals, see also Section 4 *supra*. As to urinals, etc., see *infra* Section 9, and as to sleeping rooms, see *infra* Section 10.

7. Duty of the Factory Inspector with Regard to Bakeries. When the foregoing provisions of section seventeen are complied with, the Chief Factory Inspector or his deputy shall issue to the owner or person in charge of such bakeshop a permit, stating that the same is in a clean and sanitary condition; which permit shall be posted and kept posted in the office or salesroom of the bakeshop, aforesaid; but when any of the foregoing provisions of section seventeen are not being complied with in any bakeshop, the Chief Factory Inspector or his deputy shall issue to the person in charge, or his representative, a written order to comply with the law aforesaid, within ten days; or he may order the closing of any such bakeshop until the order shall have been complied with, should the safety of the employes or the public, in his opinion, so require.

Section 18, Act of May 2, 1905, P. L. 352.

These duties are now to be performed by the Department of Labor and Industry. See Section 23, Act of June 2, 1913, P. L. 396.

8. Flour and Meal Food Products, How to Be Kept. The manufactured flour and meal food products shall be kept in perfectly dry and airy rooms, so arranged that the flour, shelves, and all other places for storing the same, can be easily and perfectly cleaned.

Section 4, Act of April 4, 1901, P. L. 68.

9. Wash Rooms, Etc. To Be Separate from Bake Room. Every such bakery shall be provided with a wash room and water closet, or closets, apart from the bake room or rooms, where the manufacture

of such food products is conducted, and no water closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room of any bakery.

Section 5, Act of April 4, 1901, P. L. 68.

See also Section 6, *supra*.

10. Sleeping Rooms to Be Separate. The sleeping room or rooms, for persons employed in bakeries, shall be kept separate and apart from the room or rooms where flour or meal products are manufactured or stored. And such sleeping places, when they are on the same floor as the bakery, shall be inspected in order to maintain them in a condition of cleanliness.

Section 6, Act of April 4, 1901, P. L. 68.

See also Section 6, *supra*.

11. Person Afflicted with Certain Diseases Not to Work in Bake-shops. Cleanliness. Duty of Board of Health. No employer shall, knowingly, require, permit or suffer any person to work in his bake-shop who is affected with consumption of the lungs, or with scrofulous diseases, or with any venereal diseases, or with any communicable skin affection; and every employer is hereby required to maintain himself and his employes in a clean condition while engaged in the manufacture, handling or sale of such food products, and it is hereby made the duty of the board of health to enforce the provisions of this section.

Section 7, Act of April 4, 1901, P. L. 68.

12. Certificates of Satisfactory Inspection. The factory Inspector is authorized to issue a certificate of satisfactory inspection to a person conducting a bakery, where such bakery is conducted in compliance with all the provisions of this act.

Section 8, Act of April 4, 1901, P. L. 68.

This certificate should now be issued by the Department of Labor and Industry. See Section 23, Act of June 2, 1913, P. L. 286.

13. Alterations and Additions to Buildings. The owner, agent or lessee of any property affected by the provisions of sections three and five of this act, shall make the alterations or additions necessary, within such time as said alterations can be made with proper diligence upon the part of such proprietors, and notice to the last known address of such owner, agent or lessee, shall be deemed sufficient for the purpose of this act.

Section 9, Act of April 4, 1901, P. L. 68.

14. Copy of Act to Be Posted. A copy of this act shall be conspicuously posted and kept posted in each work room of every bread cake or pie bakery, or confectionery establishment, in this State.

Section 10, Act of April 4, 1901, P. L. 68.

15. Penalties for Violation of Act. Any person who violates any of the provisions of this act, or refuses to comply with any requirements, as provided herein, of the Factory Inspector or his deputy, who are hereby charged with the enforcement of this act, excepting section seven, shall be guilty of a misdemeanor, and on conviction before any justice of the peace, magistrate, alderman, mayor or burgess, shall be punished by a fine of not less than twenty nor more than fifty (50) dollars, for a first offense, and not less than fifty (50) nor more than one hundred (100) dollars, for a second offense, or imprisonment for not more than ten (10) days; and for a third offense, by a fine of not less than two hundred and fifty (250) dollars and not more than thirty (30) days imprisonment.

Section 11, Act of April 4, 1901, P. L. 68.

16. Bread to Be Sold by Weight. Penalty. All loaf bread made for sale within this Commonwealth, shall be sold by the pound avoirdupois; and every baker or other person offering the same for sale shall keep at his or her house, or at such other place at which he or she shall at any time offer or expose for sale any bread, sufficient scales and weights, lawfully regulated, for the purpose of weighing the same; and if any baker or other person shall sell or offer for sale any loaf bread, in any other manner, the contract respecting the same shall be void; and the person offending against this act shall, on conviction, forfeit and pay the sum of ten dollars for every such offense, one-half to the use of the informer, and the other half to the use of this Commonwealth; and it shall be the special duty of the clerk of the market, in any place where such officer is appointed, to discover and prosecute all persons offending against this act.

Section 2, Act of April 1, 1797, 3 Sm. L. 295.

This act is still in force. See *Johnson v. Kolb*, 3 W. N. C. 273.

BANKERS (PRIVATE).

1. Licensing of Private Bankers. Except as provided in section eight (8), no individual, partnership, or unincorporated association shall hereafter engage, directly or indirectly, in the business of receiving deposits of money for safe-keeping or for the purpose of transmission to another, or for any other purpose, without having first obtained from a board, consisting of the State Treasurer, the Secretary of the Commonwealth, the Commissioner of Banking—hereinafter referred to as the “board”—a license to engage in such business. Before receiving such license, the applicant shall file with the Commissioner of Banking a written statement, in the form to be prescribed by the Commissioner of Banking, and verified under oath, showing the amount of the assets and liabilities of the applicant, designating the place where the applicant proposes to engage in business, the names and addresses of all partners or members of the

unincorporated association, that the applicant is a citizen, or, if the applicant shall constitute a partnership or unincorporated association, that a majority of the members thereof, having a controlling interest in the business of such partnership, are citizens, of the Commonwealth of Pennsylvania. In addition thereto, there shall be presented to the Commissioner of Banking a bond to the Commonwealth of Pennsylvania, executed by the applicant and by a surety or sureties approved by the board, conditioned upon the faithful holding of all moneys that may be deposited with the applicant, in accordance with the terms of the deposit, and the repayment of such moneys so deposited, upon the faithful transmission of any money which shall be delivered to such applicant for transmission to another, and, in the event of the insolvency or bankruptcy of the applicant, upon the payment of the full amount recoverable under the conditions of such bond to the assignee, receiver, or trustee of the applicant, as the case may require, for the benefit of the persons making such deposits and of such persons as shall deliver money to the applicant for transmission to another. The penalty of the bond shall be a sum fixed by the board, which shall not be more than fifty thousand dollars nor less than ten thousand dollars. In lieu of the aforesaid bond the applicant may deposit, and the Commissioner of Banking shall accept, money and securities, consisting of bonds of the United States or of this Commonwealth, or any municipality thereof, or other securities approved by the board. The money and securities so deposited shall be held in the conditions specified in the aforesaid bond. If securities be deposited in lieu of the aforesaid bond, and shall be accepted as hereinafter provided, the Commissioner of Banking shall require the applicant to maintain such deposit at a value equal to the amount fixed as the penalty of the bond, in lieu of which such money and securities shall be deposited. Upon the receipt of such application, the Commissioner of Banking shall cause to be made an examination of the financial standing and moral character of the applicant, as to whether the statements contained in the application are true; and, to this end, the application shall be advertised by the Commissioner of Banking, at the expense of the applicant, once a week for at least three weeks in two newspapers of general circulation, and in the legal periodical, if any, in the county where applicant proposes to do business, or nearest county where such newspapers are published. After such advertisement, the board may, in its discretion, approve or disapprove the application. In the event of his approval, he shall accept the money, securities, and bond, if there be one, and hold them for the purpose herein set forth; and shall issue a license authorizing the applicant to carry on the aforesaid business at the place designated in the application, and to be specified in the license certificate. For such license the licensee

shall pay a fee of fifty dollars. Such license shall not be transferred or assigned. It shall not authorize the transaction of business at any place other than that described in the license certificate, except with the written approval of the board. Immediately upon the receipt of the license certificate, issued by the Commissioner of Banking pursuant to this article, the licensee named therein shall cause such license certificate to be posted and at all times conspicuously displayed in the place of business for which it is issued, so that all persons visiting such place may readily see the same. It shall be unlawful for any person or partnership or unincorporated association holding such license certificate to post such certificate, or to permit such certificate to be posted, upon premises other than those designated therein, or to which it has been transferred pursuant to the provisions of this article, or knowingly to deface or destroy any such license certificate. If it shall be established to the satisfaction of the board, in accordance with rules and regulations by it prescribed, that an unexpired license certificate, issued in accordance with the provisions of this article, has been lost or destroyed, without fault on the part of the holder, the board shall issue a duplicate license therefor. The money and securities deposited with the Commissioner of Banking, as herein provided, and the money which in case of default shall be paid on the aforesaid bond by any applicant or the surety thereof, shall constitute a trust fund for the benefit of the depositors of the licensee and of such persons as shall deliver money to such licensee for transmission to another, and such beneficiaries shall be entitled to an absolute preference as to such moneys or securities over all general creditors of the licensee. Such money and securities shall, in the event of the insolvency or bankruptcy of the licensee, be delivered by the Commissioner of Banking, on the order or judgment of a court of competent jurisdiction, to the assignee, receiver, or trustee of the licensee designated in such order or judgment. The Commissioner of Banking shall cause to be printed annually, on the first day of January, and distributed upon application, a list of all licenses granted and remaining unrevoked. The Commissioner of Banking shall, from time to time, pay over to each such licensee all moneys received by him as interest upon any moneys or securities deposited in accordance with the provisions of this article. All moneys or securities deposited with the Commissioner of Banking hereunder shall be turned into the State Treasury, and receipted for by the State Treasurer to the depositor, and to be subject to withdrawal only upon the warrant of the Commissioner of Banking, and all interest coupons on any securities deposited with the State Treasurer shall be surrendered when due to the owners of said securities, upon their request.

Section 1, Act of June 19, 1911, P. L. 1060.

This act is constitutional. *Com. v. Grossman*, 248 Pa. 11; *Com. v. Bilotta*, 61 Sup. Ct. 264.

This act applies to persons in the business of receiving money and forwarding it to foreign countries through banks as foreign exchange, and such persons must be licensed unless they come within the exceptions of Section 8. Persons engaged in the sale of railroad and steamship tickets, but who receive no money on deposit are not within the act. Persons engaged in private banking and also in the control of the sale of railroad and steamship tickets, ostensibly controlled by another, are within the act. Agents of express or steamship companies receiving money for transmission under circumstances rendering the companies, and not the agents, liable to the depositor, are not within the purview of the act, but such express or steamship companies are subject, unless they are corporations.—*Opinion of Deputy Atty. Gen. Trinkle*, 21 D. R. 445.

2. Private Bankers to Keep Books and Make Semi-annual Statements to Commissioner of Banking. Revocation of License. Discontinuing Business. Each licensee shall keep such books of account as are approved by the Commissioner of Banking, showing full and complete records of all business transacted and a full statement of all assets and liabilities; and shall, at least two times each year, as of such days as the Commissioner of Banking shall designate by a written notice mailed to the place of business of such licensee, file in the Commissioner of Banking's office, within ten days after the date of such notice, a written statement, under oath, in such form as shall be prescribed by the Commissioner of Banking, showing the amount of the assets and liabilities of the licensee; a copy of which statement shall be published three times in a newspaper of general circulation, and a legal periodical, if any, in the county where the business is conducted, or in a newspaper published in the nearest adjacent county. The license issued shall be revocable at all times by the board, for cause shown, and, in event of such revocation, or of a surrender of such license, no refund shall be made in respect of any license fee paid under the provisions of this article. Every license certificate shall be surrendered to the Commissioner of Banking within twenty-four hours after notice in writing to the holder that such license has been revoked. In case of the revocation of such license, the money and securities, and the bond, if there be one, received from the licensee, shall continue to be held by the Commissioner of Banking until otherwise directed by the order or judgment of a court of competent jurisdiction: Provided, That in case of discontinuance of business, notice thereof must previously have been published, once a week during the thirty days in one newspaper of general circulation, and the legal periodical, if any, published in the city or county where such business has been conducted, or nearest adjacent county.

Section 2, Act of June 19, 1911, P. L. 1060.

3. Penalty for Carrying on Business Without License, Etc. Any person, partnership, or unincorporated association carrying on the business specified in section one of this article, without having obtained from the board a license therefor; or who shall carry on such business after the revocation of a license to carry on such business; or who, without such license, shall on any sign, letterhead, advertisement, or publication of any kind, use the word "banking," or any equivalent term, in any language, in connection with any business whatsoever; or who shall fail to display the license certificate as provided in section one hereof; or who shall fail to keep books of account as required, or to make the reports as herein provided; or who shall advertise or publish, in any manner whatsoever, either orally or in writing, any statement intended to convey, or actually conveying, the idea or impression that such licensee is in any way under the supervision of this State, or of any officer thereof; or that this State, or any officer thereof, has passed in any way whatsoever upon the responsibility, solvency, or qualifications of such licensee to engage in such business; or that this State, or any officer thereof, has examined any accounts of said licensee, or has in any way certified that such licensee is in any way a fit person to carry on such business,—shall be guilty of a misdemeanor, and punished as hereinafter provided.

Section 3, Act of June 19, 1911, P. L. 1060.

4. False Swearing to Constitute Perjury. Any person who, in any application for a license presented to the board, or in any report made under this article, shall swear falsely as to the amount of the assets and liabilities of a licensee, or in any other particular or in any affidavit made under any requirement of this act, shall swear falsely as to any fact therein stated, shall be guilty of perjury.

Section 4, Act of June 19, 1911, P. L. 1060.

5. Penalty for Failure to Make Reports. Any person, partnership, or unincorporated association who shall fail to make any report required by this article, or fail to publish reports herein provided, within the time specified for the same, shall forfeit to the Commonwealth the sum of twenty dollars for every day that such report or the publication of said report shall be delayed or withheld. The money forfeited under this section shall be recovered in an action brought by the Commonwealth, and, with all moneys received as fees for the issuance of the licenses provided for herein, shall be paid into the State Treasury to the credit of the general fund.

Section 5, Act of June 19, 1911, P. L. 1060.

6. Recovery of Money Deposited with Private Banker for Transmission. In an action against a licensee to recover money deposited with such licensee for transmission, the burden of proving the trans-

mission to, and receipt of the money by, the person to whom such money is directed to be paid, shall be upon the licensee to whom whom such money was to be paid, together with an authenticated affidavit of such licensee, or his duly authorized agent, showing the transmission of such money to the person to whom the same was to be transmitted, or to the correspondent of the licensee to whom such money has been transmitted for payment to the person to whom such money was to be paid, together with an authenticated receipt signed by the consignee of such money, or, in lieu of such a receipt, an authenticated affidavit of the agent of the licensee, showing the fact of payment, shall be deemed sufficient evidence to shift the burden of proof to the plaintiff.

Section 6, Act of June 19, 1911, P. L. 1060.

7. Penalty for Failure to Transmit Money. All moneys received for transmission to a foreign country by any licensee shall be forwarded to the person to whom the same is directed to be transmitted within five days after the receipt thereof, and every person who shall fail to so forward the same within the time specified shall be guilty of a misdemeanor, and punished as hereinafter provided.

Section 7, Act of June 19, 1911, P. L. 1060.

8. To Whom Act Does Not Apply. The foregoing provisions shall not apply: (one) to any corporation authorized to do business under the provisions of the banking laws of the Commonwealth, to any corporation authorized to receive deposits under the laws of this Commonwealth, nor to any association organized under the national banking act; nor (two) to any hotel-keeper who shall receive money for safekeeping from a guest; nor (three) to any express company or telegraph company receiving money for transmission, provided such company is not engaged directly or indirectly in the sale of steamship tickets; nor (four) to any individual, partnership, or unincorporated association, who would otherwise be required to comply with the provisions of this act, who shall file with the Commissioner of Banking a bond, in the sum of one hundred thousand dollars, approved by the board as to form and sufficiency for the purpose, and conditioned as in the first section prescribed, where the business is conducted in a city of the first or second class; and, if conducted elsewhere in the State, such bond shall be in the sum of fifty thousand dollars; or, in lieu thereof, money or securities, approved by the Commissioner of Banking, of the same amounts; nor (five) to any individual, partnership, or incorporated association licensed under the laws of this Commonwealth to do a brokerage business, holding a membership in a lawfully incorporated brokerage exchange, and doing only such banking as shall be incidental to such brokerage business. The books

or records showing the deposit or account of any depositor with any individual, partnership, or unincorporated association filing a bond, money, or securities approved by the board, as provided in this section, shall not be subject to any visatorial power, inspection, or examination by the Commissioner of Banking; nor to examination or inspection by, or production in, any department or agency of government, State or municipal; nor to inspection, examination, or production in any court in any judicial proceeding except in cases of insolvency or bankruptcy, or a judicial proceeding or investigation involving the rights and liabilities of a creditor or depositor; nor (six) to any person, firm, partnership, or unincorporated association, now engaged in business as private bankers, when such person, firm, partnership, or unincorporated association, and his or their predecessor, predecessors, or one or more of the members in such private banking institutions, continuously and in the same locality have conducted the business of private banking for a period of seven (7) years prior to the approval of this act, and such banking institution is not engaged in the sale, as agent or otherwise, of railroad or steamship tickets.

Section 8, Act of June 19, 1911, P. L. 1060.

One who has continuously conducted in the same locality a banking business for seven years prior to the approval of this act, and who has not engaged in the sale, as agent or otherwise, of railroad or steamship tickets since December 1, 1911, when the act went into effect, is excepted by the sixth exception of Section 8 from the license and regulation requirements prescribed by the enacting clause.—Opinion of Deputy Atty. Gen. Trinkle, 22 D. R. 852.

9. Penalty for Violation of Act. Any licensee who shall violate any of the provisions of this article, the violation of which has not hereinbefore been made a misdemeanor or a felony, shall be guilty of a misdemeanor, and punished as hereinafter provided.

Section 9, Act of June 19, 1911, P. L. 1060.

10. Maximum Sentence for Persons Convicted. Every person found guilty of a misdemeanor under any of the sections of this article shall be sentenced to an imprisonment not exceeding two years, or be fined in an amount not exceeding one thousand dollars, or both or either, at the discretion of the court.

Section 10, Act of June 19, 1911, P. L. 1060.

11. Expenses for Enforcement of Act, How paid. The incidental expenses for the enforcement of this act shall be paid out of the general fund appropriated for the office of the Commissioner of Banking.

Section 11, Act of June 19, 1911, P. L. 1060.

12. When Act to Take Effect. Notices to Be Mailed to Private Bankers. This act shall go into effect the first day of December, one thousand nine hundred and eleven; and, upon its approval, the Commissioner of Banking shall mail a notice of its passage to each private banker then registered in the office of the Auditor General, and it shall apply to all persons now or hereafter engaging in said business, except as provided in section eight of this act.

Section 13, Act of June 19, 1911, P. L. 1060.

13. Reasons for Passage of Act. Whereas, the board consisting of the State Treasurer, Secretary of the Commonwealth, and Commissioner of Banking, under and by authority of an act, entitled "An act to provide for licensing and regulating private banking in the Commonwealth of Pennsylvania, and providing penalties for the violation thereof," approved June nineteenth, one thousand nine hundred and eleven, has accepted as security, under the terms of said act, for the faithful performance of the contracts entered into by certain of the licensees, bonds and mortgages and judgments of record, drawn to the Commonwealth of Pennsylvania, which cannot be satisfied until the proper authority and direction is displayed to recorders and prothonotaries in the respective counties wherein said mortgages and judgments are of record; therefore:

Whereas clause, Act of May 23, 1913, P. L. 334.

14. Banking Commissioner May Be Authorized to Satisfy Mortgages, Etc., Deposited by Private Bankers. Whenever it becomes necessary to satisfy any mortgage, judgment, or lien which has been or may hereafter be accepted by the board, under the provisions of the act of June nineteenth, one thousand nine hundred and eleven, entitled "An act to provide for licensing and regulating private banking in the Commonwealth of Pennsylvania, and providing penalties for the violation thereof," a resolution adopted by the board, giving unto the Commissioner of Banking power of attorney, shall be sufficient authority to have satisfaction or release entered upon the record in such manner and form as is now prescribed under existing laws.

Section 1, Act of May 23, 1913, P. L. 334.

15. Private Bankers to Make Certain Returns to Auditor General. Tax on Gross Receipts. That every [stock broker, bill broker, exchange broker, merchandise broker and] private banker in this Commonwealth shall, on or before the first Monday of December next, and on or before the same day in each year thereafter, make a written return, under oath or affirmation, to the Auditor General of this Commonwealth, in which return he shall exhibit and set forth the full amount of his gross receipts from commissions, discounts, abatements, allowances and all other receipts arising from his business,

during the year ending with the thirtieth day of November preceding the date of such annual return, and shall forthwith pay into the State Treasury one per centum upon the aggregate amount of such gross receipts contained in such return, for the use of the Commonwealth.

Section 1, Act of June 13, 1901, P. L. 559, amending Section 1, Act of June 27, 1895, P. L. 397, which amended Section 1, Act of May 16, 1861, P. L. 708.

The tax imposed by this act is upon the profits and not the capital; and it is both constitutional and expedient, in levying the tax, to take as a measure of taxation, the profits or income of the preceding year. This act is constitutional.—Drexel v. Com., 46 Pa. 31.

16. Private Bankers to Make Certain Reports to Auditor General. That every [stock broker, bill broker, exchange broker and] private banker in this Commonwealth, whether the business be conducted by an individual or more than one person in partnership, shall, within three months after the passage of this act, and all others who shall hereafter engage in such business in this Commonwealth, within sixty days after they commence the same, make a report to the Auditor General, in writing and under oath or affirmation, setting forth the name of the person so employed, if an individual, or if a partnership, the names of all the individuals composing the same, and the name of the firm, the location or place where such business is transacted, and the amount of capital invested therein, if any.

Section 2, Act of June 27, 1895, P. L. 396, amending Section 2, Act of May 16, 1861, P. L. 708.

17. Penalty for Failure to Make Reports. That any such [stock broker, bill broker, exchange broker or] private banker in this Commonwealth who shall neglect or refuse to make the return and report required by the first and second sections of this act shall, for every such neglect or refusal be subject to a penalty of one thousand dollars, which penalty shall be collected on an account settled by the accountant officers as taxes on bank dividends are now settled and collected, and shall not be relieved from paying the amount which he is liable to pay to the Commonwealth under the provisions of the first section of this act on account of his having been required and compelled to pay the said penalty.

Section 3, Act of June 27, 1895, P. L. 396, amending Section 3, Act of May 16, 1861, P. L. 708.

18. When Penalty May Be Suspended. That the Auditor General be and he is hereby authorized and required to examine all cases of penalties, incurred under the third section of the act to which this is a supplement, and upon payment of all taxes due to the Commonwealth, by any of the parties incurring the same, the col-

lection of the penalty, therein named, shall be suspended, upon payment of costs by defendant.

Section 1, Act of May 3, 1864, P. L. 701, supplementing the Act of May 16, 1861, P. L. 708.

The "third section" herein referred to is Section 17, supra.

19. Private Bankers Receiving Money for Deposit When Insolvent. Penalty. That any banker, broker or officer of any trust or savings institution, national, state, or private bank, who shall take and receive money from a depositor with the knowledge that he, they or the bank is at the time insolvent, shall be guilty of embezzlement, and shall be punished by a fine in double the amount so received, and imprisoned from one to three years in the penitentiary.

Section 1, Act of May 9, 1889, P. L. 145, No. 162.

20. Cities of the Third Class Authorized to Collect License Taxes on Bankers. Every city of the third class in its corporate capacity is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this and other acts:

4. To levy and collect a license tax, not exceeding one hundred dollars each, annually, on all * * * bankers * * * and to regulate the collection of the same.

Part of Section 3, Act of June 27, 1913, P. L. 568, No. 367.

BROKERS.

(Including also the law relating to Insurance Agents, Insurance Brokers, Pawnbrokers, Money Lenders and Bucket Shops.)

a. Licensing of Brokers.

1. License Tax on Brokers. That from and after the passage of this act, all brokers, whether stock brokers, bill brokers, note brokers, exchange brokers, merchandise brokers, factors or commission merchants, real estate brokers and agents, or pawnbrokers, whether persons, firms, limited partnerships, or corporations, shall pay an annual license tax to this Commonwealth upon his, their or its gross annual receipts from commissions and other earnings, in the transaction of his, their, or its business, as follows, namely: Ten dollars by those whose gross annual receipts are less than five thousand dollars; twenty-five dollars by those whose gross annual receipts are five thousand dollars, or in excess thereof and less than ten thousand dollars; fifty dollars by those whose gross annual receipts are ten thousand dollars, or in excess thereof and less than twenty thousand dollars; one hundred dollars by those whose gross annual receipts are twenty thousand dollar and upwards.

Section 1, Act of May 7, 1907, P. L. 175.

This act repeals the Act of May 15, 1850, P. L. 772.—Com. v. Phila. Auction Co., 51 Sup. Ct. 166.

2. Broker Defined. Every person, firm, limited partnership, or corporation, whose business or occupation, or one of whose businesses or occupations, is set forth in one of the following clauses, shall, for the purpose of this act be considered as being engaged in the business or occupation designated in the said clause:

a. Stock brokers are those who, whether members or not members of a stock exchange, buy or sell, for a commission or other compensation, stock, bonds, debentures, scrip, certificates of indebtedness, or other obligations of any person, firm, association, limited partnership, corporation, municipality or government, or investment or other securities of any character whatsoever.

b. Bill and note brokers are those who buy and sell promissory notes, or advance money on mercantile accounts.

c. Exchange brokers are those who buy or sell inland or foreign bills of exchange.

d. Merchandise brokers are those who, for a commission or other compensation, make contracts of sale or purchase of personal property for others.

e. Factors or commission merchants are those who receive consignments of personal property, to be sold for a commission or other compensation.

f. Real estate brokers and agents are those who buy, sell, or rent real estate, or collect rent therefrom, or negotiate loans upon real estate security, for a commission or other compensation.

g. Pawnbrokers are those engaged in the business of receiving property in pledge, as a security for money or other thing advanced to the pawner or pledger.

Section 2, Act of May 7, 1907, P. L. 175.

3. Auditor General to Prepare Blanks for Mercantile Appraisers. Oath to Return. The Auditor General shall prepare and have printed proper blanks, to be distributed by the mercantile appraisers in every county to said brokers, agents, and factors as aforesaid. Said blanks shall require such information as may be necessary in arriving at the gross annual receipts from commissions and other earnings by the said brokers, agents, and factors, during the calendar year preceding that for which a license is required. Every broker, agent, or factor subject to the provisions of this act shall be required to make oath or affirmation as to the correctness of the return so made. For a false oath made by any person to such return, the one so falsely swearing shall be guilty of the crime of perjury and shall, upon conviction, be subject to the punishment provided by law for such offense.

Section 3, Act of May 7, 1907, P. L. 175.

4. Return by Brokers. Penalty for Failure to Make Return. It shall be the duty of each broker, agent, and factor to fill up the blank,

prepared as aforesaid by the Auditor General, and return the same to the mercantile appraiser of the proper county within ten days of the receipt thereof, with an affidavit certifying to the correctness of the return so made. If any broker, agent, or factor fails or refuses to make a return, as required by this act to the mercantile appraiser, when requested so to do, it shall be the duty of the mercantile appraiser to assess him or it with the maximum license tax provided for by this act. A certified copy of said assessment shall be forwarded to the said broker, agent, or factor, which assessment when so made shall be final and conclusive, and without appeal; and the said broker, agent, or factor, so assessed, shall not be permitted, in any action brought to recover said assessment, to deny the correctness thereof.

Section 4, Act of May 7, 1907, P. L. 175.

5. Duties of Mercantile Appraiser. Appeal from Assessment. Procedure. The mercantile appraiser or his duly authorized deputy shall visit the store, office or other place of business of every broker, agent, and factor, and, at the time of such visit, require each broker, agent and factor to make a return, under oath or affirmation, of his, their or its gross annual receipts from commissions or other earnings in the transaction of his, their or its business during the preceding calendar year; and the appraiser, or any deputy appointed by him, is hereby empowered to administer an oath or affirmation for that purpose. The basis of assessment shall be the gross receipts and earnings during the previous calendar year; except where no business was transacted by said broker, agent or factor during said previous year, when he, they or it shall be liable for the minimum license tax of ten dollars. If the mercantile appraiser is dissatisfied with the return so made by the said broker, agent or factor, he shall ascertain and assess the said license tax according to such sum as, in his best judgment, he believes to be correct. He shall also leave a written or printed notice, to be prepared and furnished by the Auditor General, specifying the amount of the license money to be paid by such person to the Commonwealth, and also when and where an appeal will be held as required by law. Any broker, agent or factor who is dissatisfied with the assessment so made shall have the right of appeal to the mercantile appraiser and county treasurer in all counties, except where there is a board of mercantile appraisers, in which case the board shall hear all appeals. If the broker, agent, or factor is still dissatisfied with the finding of the mercantile appraiser and county treasurer, or board of appraisers, he, they or it shall have the right of appeal to the court of common pleas of the proper county, within ten days; which appeal shall set forth the date and amount of such assessment, the date of the decision of the appeal board, and the facts in detail relied upon to obtain a reversal

of said decision. The appellant shall, within five days after taking said appeal, serve upon the county treasurer and the mercantile appraiser, or board of appraisers, copies of his said appeal, including the court, term, and number of the case in which the appeal is taken. Upon failure to comply with any of the provisions of this section, in whole or in part, said appeal shall, upon motion, be stricken off. The burden of proof upon such appeal shall be upon the appellant. If any person fails to attend the said appeal before the mercantile appraiser and county treasurer, or board of mercantile appraisers, or the court, he shall not thereafter be permitted, in a suit for the recovery of said license tax, to set up a defense either that he is not a broker, agent or factor, or any other ground of defense which might have been heard and determined either by said mercantile appraiser and county treasurer, board of appraisers, or the court of common pleas, on appeal, as aforesaid.

Section 5, Act of May 7, 1907, P. L. 175.

6. County Treasurer to Sue Where License Tax Not Paid. Exonerations. It shall be the duty of every county treasurer to sue for the recovery of all licenses, duly returned to him by the mercantile appraiser, if not paid on or before the first day of July in each and every year, within thirty days after that date: Provided, however, That if said county treasurer is satisfied that said license tax cannot be collected, he shall make a report to the Auditor General of all the facts connected with the case, and the Auditor General, upon investigation, may exonerate him from the payment of said tax, and in all such cases suit shall not be brought.

Section 6, Act of May 7, 1907, P. L. 175.

7. Penalty Added When Tax Not Paid. County Treasurer to Make Monthly Returns to State Treasurer. If for any reason the tax, as aforesaid, is not paid on or before the first day of July in each year, a penalty of ten per centum of the amount of said tax shall be added and collected by the county treasurer as aforesaid. Where suit is brought for the recovery of any such license tax, the said broker, agent or factor shall be liable for, and it shall be the duty of the county treasurer to collect, in addition to the license tax assessed against such broker, a penalty of fifty per centum of the amount of said license tax so assessed. The county treasurer shall, at the expiration of each month, forward to the State Treasurer the amount of said license tax received by him, including said penalties, as aforesaid.

Section 7, Act of May 7, 1907, P. L. 175.

8. Mercantile Appraisers to Certify List of Brokers Assessed. Corrected List to Be Certified to Auditor General. It shall be the duty of every mercantile appraiser, or board of mercantile appraisers

in the counties where such board exists, on or before the first day of May in each year, to certify to the county treasurer a correct list of all persons assessed, giving the names and business addresses of the brokers, agents and factors so returned, and the amount of license due by each. This list shall be kept by the county treasurer in collecting said license taxes. After appeals have been heard and exonerations have been made, the corrected list shall be certified by the county treasurer to the Auditor General, on or before the first day of January in each and every year, in the case of counties having a board of mercantile appraisers, and on or before the first day of July in each and every year in the case of all other counties.

Section 1, Act of May 1, 1909, P. L. 297, amending Section 8, Act of May 7, 1907, P. L. 175.

9. License to Be Taken Out for Each Separate Place of Business.

Every broker having more than one place of business shall take out a license for each and every such separate place of business.

Section 9, Act of May 7, 1907, P. L. 175.

10. Fees of County Treasurer and Mercantile Appraiser. The rate of commission allowed county treasurers for their services in collecting license taxes as aforesaid, shall be the same as in the case of mercantile licenses. In addition to the license tax, as aforesaid, each broker shall be required to pay to the county treasurer a fee of one dollar, and to the mercantile appraiser a fee of seventy-five cents.

Section 10, Act of May 7, 1907, P. L. 175.

11. License Tax to Be in Lieu of Other Taxes. The license tax herein provided for shall be in lieu of all license taxes heretofore required by law to be paid, for the use of the Commonwealth, by said brokers, including a tax of one per centum upon the gross receipts of stock brokers, bill brokers, exchange brokers, and merchandise brokers, imposed by the first section of the act of the thirteenth day of June, Anno Domini nineteen hundred and one.

Section 11, Act of May 7, 1907, P. L. 175.

(b) Licensing of Brokers and Pawnbrokers by Municipalities.

12. Cities of the Second Class Authorized to License Pawnbrokers.

Every city of the second class shall have power, for general revenue purposes, to levy and collect license taxes or fees, to be fixed by ordinance, upon * * * pawnbrokers * * * and to regulate the collection of the same, and to provide penalties for default therein.

Clause XXII, Section 3, Article XIX, Act of March 7, 1901, P. L. 20.

13. Cities of the Third Class Authorized to License Brokers and Pawnbrokers. Every city of the third class in its corporate capacity

is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this and other acts:

4. To levy and collect a license tax, not exceeding one hundred dollars each, annually, on all * * * brokers * * * pawnbrokers, and to regulate the collection of the same.

Part of Section 3, Act of June 27, 1913, P. L. 568.

(c) Pawnbrokers.

14. Pawnbrokers Prohibited from Loaning or Advancing Money to Certain Minors. No person, being a pawnbroker or the employee of a pawnbroker, shall make any loan or advance, or permit to be made any loan or advance, to any minor under the age of sixteen years; or in any manner to receive, directly or indirectly, any goods, chattels, wares, or merchandise from any such minor under the age of sixteen years in pledge for loans made or to be made to such minor or to any other person.

Section 1, Act of June 7, 1911, P. L. 671.

15. Intermediaries Acting for Minors. No person shall act as an intermediary between any pawnbroker or the employee of a pawnbroker to effect any loan, the benefit of which shall accrue to any minor under the age of sixteen years.

Section 2, Act of June 7, 1911, P. L. 671.

16. Penalty. Any person violating any of the provisions of this act shall be subject to a fine of not less than five dollars, nor more than twenty-five dollars, for each offense, to be collected by process of summary conviction before any magistrate or justice of the peace, as like fines and penalties are now by law collected; or, in case of non-payment of such fine within forty-eight hours, to undergo an imprisonment in the county prison for a period not exceeding five days.

Section 3, Act of June 7, 1911, P. L. 671.

17. Pawnbrokers Not to Conceal Goods or Chattels from Sheriff or Constable. It shall be unlawful for any person, firm, or corporation, being in possession of goods and chattels of any description belonging to another, either as storage or [warehouseman,] pawnbroker, [second-hand dealers, or junk dealer,] to conceal from any constable or sheriff, entrusted with the execution of any writ, any such goods or chattels, with intent to prevent any such goods or chattels from being taken or levied upon under any such writ.

Section 1, Act of May 20, 1913, P. L. 246.

18. Refusal to Disclose or Point Out Goods or Chattels Evidence of Intent to Conceal. The refusal to disclose or point out to any such

constable or sheriff the whereabouts of any such goods or chattels shall be evidence of the intent to conceal such goods and chattels, as provided for in section one of this act.

Section 2, Act of May 20, 1913, P. L. 246.

19. Penalty. Any keeper, owner, proprietor, or any person in charge of any such [storage or warehouse,] pawnshop, [second-hand store, or junkshop,] who shall violate, neglect, fail or refuse to comply with all of the provisions of this act, or any of them, shall be guilty of a misdemeanor and upon conviction before any court of competent jurisdiction be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo an imprisonment of not more than one year, or both, at the discretion of the court.

Section 3, Act of May 20, 1913, P. L. 246.

(d) Insurance Agents and Insurance Brokers.

20. Persons Soliciting Insurance to Comply with Act. It shall be unlawful for any person, [company, or corporation] to negotiate or solicit within this Commonwealth any contract of insurance or suretyship, or to effect the same, or to receive and transmit any offer or offers of insurance, or receive or deliver a policy or policies of insurance, or in any manner to aid in the transaction of the business of insurance, without fully complying with the provisions of this act.

Section 12, Act of June 1, 1911, P. L. 607.

21. Insurance Commissioner to Issue Certificates to Insurance Agents. The Insurance Commissioner shall issue certificates of authority to insurance companies of other States and foreign governments and their agents, and to the agents of Pennsylvania companies, and he may renew the certificate of authority of any mutual assessment life or accident association and its agents, which is now lawfully doing business in this Commonwealth, beginning on the first day of April of each year, and continuing in force for one year unless sooner revoked by him; and any certificates issued after April first shall expire on the thirty-first day of March succeeding. Before granting certificates of authority to an insurance company to issue policies or make contracts of insurance he shall be satisfied, by such examination as he may make and such evidence as he may require, that such company is qualified under the laws of this Commonwealth to transact business herein.

Section 13, Act of June 1, 1911, P. L. 607.

22. Insurance Companies to Certify Names of Agents. When Agents May Transact Business. Certificates to Agents. Revocation of Certificates. Appeal. Companies to which certificates of authority are issued shall, from time to time, certify to the Insurance Commissioner the names of all agents appointed by them to solicit

risks in this Commonwealth. Such agents may be either individuals, copartnerships or corporations. No agent shall transact any business until a certificate has been procured from the Commissioner, showing that the company has complied with the requirements of law, and that the person, copartnership or corporation named in said certificate has been duly appointed as its agent. [No license shall be issued to a corporation unless by its charter it is authorized to engage in the insurance or real estate business.]

[When a license is issued to a copartnership or corporation, every officer of the corporation and each director thereof who engages in the business of soliciting insurance, and each member of the copartnership shall be required to have an individual license; but no additional fee shall be exacted for issuing the license to the corporation or copartnership.]

Certificates to agents of life insurance companies, other than industrial agents collecting premiums on the weekly or monthly plan, shall be issued upon written application; which application shall be approved and countersigned by the company to be represented, and shall be upon a form prescribed by the Commissioner, and which shall give such information as he may require. The Commissioner may refuse to issue a certificate to any agent, or to renew the same; or he may suspend or revoke any certificate when it shall appear to his satisfaction that the applicant for a certificate, or the agent holding a certificate has, by misconduct or by misappropriation of collected premiums, or by misrepresentation, or incomplete or misleading comparison of policies, oral, written or otherwise, for the purpose of inducing or tending to induce a policyholder in any company to lapse, forfeit or surrender his insurance therein, and to take out a policy of insurance in another company insuring against similar risks, or otherwise, proved to be unfit to hold such certificate. When a certificate shall be refused or suspended or revoked the party aggrieved may appeal to the court of common pleas of Dauphin county.

Section 1, Act of July 24, 1913, P. L. 997, amending Section 14, Act of June 1, 1911, P. L. 607.

23. Powers of Insurance Agents. Agents Not to Act Until Certificates Received. Penalty. An agent is an individual, copartnership or corporation, authorized in writing by a company—

(a) To solicit risks and collect premiums, and to issue or countersign policies in its behalf; or

(b) To solicit risks and collect premiums in its behalf.

No individual, copartnership or corporation shall act as agent of any insurance company, transacting business in this Commonwealth until a certificate has been issued by the Commissioner.

stating that the company has complied with the requirements of this act, and that the individual, copartnership or corporation named therein has been duly appointed its agent.

Any individual, copartnership or corporation transacting business within this Commonwealth as the agent of an insurance company, without a certificate as required by this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of five hundred dollars.

Section 2, Act of July 24, 1913, P. L. 997, amending Section 17, Act of June 1, 1911, P. L. 607.

24. When Insurance Agent to Be Liable. Who Is an Agent. An insurance agent shall be personally liable on all contracts of insurance or suretyship unlawfully made by or through him, directly or indirectly, for or in behalf of any company or association not authorized to do business in this Commonwealth. Any person soliciting risks, forwarding premiums, or countersigning or delivering policies, shall be deemed to be the agent of the company within the meaning of this section.

Section 18, Act of June 1, 1911, P. L. 607.

25. Insurance Broker Defined. An insurance broker is a person, not an officer or agent of the company interested, who, for compensation, acts or aids in any manner in obtaining insurance for a person other than himself.

Section 19, Act of June 1, 1911, P. L. 607.

26. Licensing of Insurance Brokers. Revocation of License. The Insurance Commissioner may issue to any suitable person a license to act as an insurance broker, to negotiate contracts of insurance or reinsurance, or place risks, or effect insurance or reinsurance with any insurance company, other than a life insurance company, established in this Commonwealth, or its agents; and with the authorized agents of any insurance company, other than a life insurance company, of another state or foreign government, duly admitted to do business in this Commonwealth: Provided, That before any license is issued under this section, the person, firm or corporation desiring the license shall make application in writing to the Insurance Commissioner, upon blanks furnished by him for that purpose, and answer such interrogatories as he may require, and when he shall be satisfied that the applicant is trustworthy and competent to transact business. A broker's license shall remain in force for one year, unless revoked by the Commissioner for cause. When revoked, the Commissioner shall publish the fact in such manner as he determines proper for the protection of the public. Broker's licenses may be issued to a duly organized insurance firm or an incorporated insurance or real estate agency company.

Section 20, Act of June 1, 1911, P. L. 607.

27. Penalty for Transacting Business Without License. Any person, firm or corporation transacting business as an insurance broker within this Commonwealth, without a license, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of three hundred dollars; and any company, or the agent of any company, paying, allowing or giving any compensation or commission to any person, firm, or corporation transacting business as an insurance broker without a license as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of one hundred dollars.

Section 21, Act of June 1, 1911, P. L. 607.

28. When Persons Acting as Brokers Are to Be Deemed Agents. A person, not a duly licensed insurance broker, who for compensation solicits insurance on behalf of any insurance company, or transmits for a person other than himself an application for or a policy of insurance to or from such company, or offers or assumes to act in the negotiation of such insurance, shall be an insurance agent within the intent of this act, and shall thereby become liable to all the duties, requirements, liabilities, and penalties to which an agent of such company is subject.

Section 22, Act of June 1, 1911, P. L. 607.

29. Larceny by Insurance Agents and Brokers. An insurance agent or broker who acts in negotiating a contract of insurance for an insurance company lawfully doing business in this Commonwealth, and who embezzles or fraudulently converts to his own use, or, with intent to use or embezzle, takes, secretes or otherwise disposes of or fraudulently withholds, appropriates, lends, invests, or otherwise uses or applies, any money or substitutes for money received by him as such agent or broker, contrary to the instructions or without the consent of the company for or on account of which the same was received by him, shall be deemed guilty of larceny.

Section 23, Act of June 1, 1911, P. L. 607.

30. Who Shall Be Deemed Agents. [Any insurance company or association doing an insurance or surety business within this Commonwealth, without a certificate of authority as required by this act, shall forfeit and pay to the Commonwealth the sum of five hundred dollars for each month or fraction thereof in which such illegal business was transacted.] Any person negotiating or soliciting any contracts of insurance or suretyship in this Commonwealth, collecting and forwarding premiums or delivering policies, for any company or association to which a certificate of authority has not been granted, shall be deemed to be the agent of the company or association in any legal proceedings brought against it.

Section 24, Act of June 1, 1911, P. L. 607.

31. Persons Doing Business Without License. Penalty. Any person, acting for himself or for others, not having been specially and lawfully licensed so to do, who solicits or procures, or aids in the solicitation or procurement, of policies or certificates of insurance form, or adjusts losses or in any manner aids in the transaction of any business for, any foreign insurance corporation, or any association, partnership, or association of individuals, which has not executed and filed in the office of the Insurance Commissioner a written appointment of the Commissioner to be the true and lawful attorney of such corporation in and for this State, upon whom all lawful process in any action or proceeding against the corporation may be served, is guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than three hundred dollars and not more than one thousand dollars.

Section 25, Act of June 1, 1911, P. L. 607.

32. Penalty for Doing Business Without Authority. Any person or persons, or any agent, officer or member of any insurance firm or corporation, within this Commonwealth, except as hereinafter provided, paying or receiving or forwarding any premiums, applications for insurance, or in any manner securing, helping or aiding in the placing of any insurance or effecting any contracts of insurance upon property within this Commonwealth, directly or indirectly, with any insurance company, association, or person not of this Commonwealth, and which has not been authorized to do business in this Commonwealth; and any person, company, or corporation, in this Commonwealth, procuring, receiving or forwarding applicants for insurances or suretyship in, or issuing or delivering policies for, any company or association not authorized to do business in this Commonwealth, for any other than himself, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than three hundred dollars nor more than one thousand dollars, and upon conviction of a second offense, shall be sentenced to pay a like fine and undergo imprisonment not exceeding one year, or either or both, at the discretion of the court.

Section 26, Act of June 1, 1911, P. L. 607.

33. When Insurance Broker May Place Insurance with Companies Not Licensed to Do Business. License. Duty of Broker. The Insurance Commissioner may issue a license, revocable at any time, permitting the person, firm or corporation named therein to act as a broker to procure for his or their clients policies of fire or marine insurance from companies or associations not authorized to do business in this Commonwealth. Before any fire or marine insurance shall be procured under or by virtue of said license, there shall be executed and filed with the Insurance Commissioner by

the licensed broker, and also by the party desiring the insurance, an affidavit which shall have force and effect for one year only from date thereof, setting forth that the party desiring insurance is, after diligent effort, unable to procure the amount required to protect the property owned or controlled, or entrusted to him, from fire or marine insurance companies,—mutual insurance companies or associations excepted,—duly authorized to transact business in this Commonwealth. The licensed broker procuring or delivering policies in such unauthorized companies or associations shall keep a separate account thereof, open at all times, without notice, to the inspection of the Insurance Commissioner, showing the exact amount of insurance placed, giving the name of the insured, the location of the insured property, the gross premium mentioned in the policy, the name of the corporation, person, partnership or association issuing the contract, and the number, date and term of the policy. Each policy shall have written or printed on the outside of it the name of the licensed broker who obtained the same and introduced it into the Commonwealth, and after his name shall appear the words "licensed excess insurance broker." Provided, That nothing in this section shall be so construed as giving any such licensed broker authority to act as agent for, or to in any way represent any such unlicensed company or association in this Commonwealth.

Section 27, Act of June 1, 1911, P. L. 607.

34. Bond of Broker. Tax on Premiums. Failure of Brokers to Make Payment. Each party receiving such license shall, before transacting any business thereunder, execute and deliver to the Insurance Commissioner a bond, in the penal sum of one thousand dollars, with such sureties as the Commissioner may approve, conditioned that said broker will faithfully comply with all requirements of the preceding section of this act, and will pay to the Insurance Commissioner, in January of each year, a tax of three per centum upon the gross premiums named in the policies delivered to the policyholders and upon all policies procured by him, in accordance with the preceding section, during the year. Deduction shall be allowed for net premiums returned on policies cancelled. In default of payment of the tax, as herein provided, before the thirtieth day of January of each year, the Insurance Commissioner shall demand a statement, under oath, from the broker; and, failing to obtain the same, it shall be his duty to proceed against him, in the same manner as though he had acted without a license.

Section 28, Act of June 1, 1911, P. L. 607.

"Such license" refers to the license issued under the section immediately preceding to person as "licensed excess insurance brokers."

35. License Fees. Unlawful for Municipalities to License Tax on Brokers or Agents. The Insurance Commissioner shall collect,

and pay into the State Treasury daily, for the purpose of defraying the expenses of enforcing this act, charges and fees as follows: [For valuation of life policies, not exceeding one cent for each thousand dollars of insurance valued; for filing copy of charter, twenty-five dollars; for filing annual or other statement, twenty dollars; for license to company, or certified copy or duplicate thereof, two dollars;] for license as excess insurance broker, one hundred dollars; for license as insurance broker, ten dollars for an individual, and twenty-five dollars for a firm or corporation; for license as the agent of any company not incorporated under the laws of Pennsylvania, two dollars; [for each copy of any paper filed in the department, twenty cents per folio, and one dollar for certifying the same; for any other certificate required, except licenses for agents of domestic companies, two dollars; for service of process, two dollars.] It shall be unlawful for any city, county or municipality to impose or collect any license fee or tax upon insurance companies or their agents, or insurance brokers, authorized to transact business under this act.

Section 29, Act of June 1, 1911, P. L. 607.

36. Reciprocity with Other States. If, by the laws of any other state, any taxes, fines, penalties, licenses, fees, or other obligations or prohibitions, additional to or in excess of those imposed by the laws of this Commonwealth upon insurance companies of other states and their agents, are imposed on insurance companies of this Commonwealth and their agents doing business in such state, like obligations and prohibitions shall be imposed upon all insurance companies of such state doing business in this Commonwealth, so long as such laws remain in force.

Section 30, Act of June 1, 1911, P. L. 607.

37. Collection of Taxes, Fines and Penalties. Powers of Insurance. The taxes, fines and penalties provided in this act shall, in case of non-payment after notice from the Commissioner, be collected as taxes upon corporations or individuals are now collected by law; and for this purpose the Insurance Commissioner shall have all the powers now conferred by law upon the Auditor General in the settlement of accounts; subject, however, to the approval of the State Treasurer, and to the right of appeal as in other cases.

Section 31, Act of June 1, 1911, P. L. 607.

38. Statements Issued by Insurance Agents and Brokers with Intent to Deceive. No insurance [company, association or society, or any officer, director,] agent, or broker, [or solicitor thereof,] shall issue, circulate or use, or cause or permit to be issued, circulated or used, any written or oral statement or circular misrepresenting the

terms of any policy issued or to be issued by such company, or make an estimate, with intent to deceive, of the future dividends payable under any such policy.

Section 1, Act of July 12, 1913, P. L. 744.

39. Misrepresentations and Incomplete Comparisons Inducing Policyholders to Lapse, Etc., Policies. No insurance [company, association or society, officer, director,] agent, [solicitor,] or broker, [or any person, firm, association or corporation,] shall make any misrepresentation or incomplete comparison of policies, oral, written, or otherwise, to any person insured in any company, for the purpose of inducing or tending to induce a policyholder in any company to lapse, forfeit or surrender his insurance therein, and to take out a policy of insurance in another company insuring against similar risks.

Section 2, Act of July 12, 1913, P. L. 744.

40. Revocation of Certificates by Insurance Commissioner. Appeal. Penalty. Upon satisfactory evidence of the violation of the first or second section of this act by any insurance [company, association or society, its officers, solicitors or] agents, or any insurance broker, the Insurance Commissioner shall revoke the certificate of authority of such offending company, association or society, its solicitors or agents, or any insurance broker; and he shall have the right, in his discretion, to refuse, for a period of not to exceed one year thereafter, to issue a new license to such offending company, association or society, agent, solicitor, or broker. When a certificate shall be refused or suspended or revoked the party aggrieved may appeal to the court of common pleas of Dauphin county. Any insurance company, association or society, agent, solicitor or broker, or any person, firm, association or corporation, violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each and every violation, or, at the discretion of the court, to imprisonment in the county jail of the county in which the offense is committed for a period of not more than six months, or both.

Section 3, Act of July 12, 1913, P. L. 744.

41. Persons Not to Be Excused from Testifying. No person shall be excused from testifying or from producing any books, papers, contracts, agreements, or documents, at the trial or hearing of any person [or company, association or society,] charged with violating any of the provisions of this act, on the ground that such testimony or evidence may tend to incriminate himself; but no person shall be prosecuted for any act concerning which he shall be compelled so to testify, or produce evidence documentary or otherwise, except for perjury committed in so testifying.

Section 4, Act of July 12, 1913, P. L. 744.

42. Insurance Agents and Brokers Not to Give Rebates or Offer Inducements, Etc., Not Mentioned in Policy. Revocation or Certificates. Appeal. Exceptions. Penalties. No insurance [company, association or society, by itself or any other party, and no insurance] agent, [solicitor,] or broker, personally or by any other party, shall offer, promise, allow, give, set off or pay, directly or indirectly, any rebate of, or part of, the premium payable on the policy, or on any policy or agent's commission thereon, or earnings, profit, dividends, or other benefit founded, arising, accruing or to accrue thereon or therefrom, or any special advantage in date of policy or age of issue, or any paid employment or contract for services of any kind, or any other valuable consideration or inducement, to or for insurance on any risk in this Commonwealth, now or hereafter to be written, which is not specified in the policy contract of insurance; nor shall any such [company, association or society,] agent, [solicitor,] or broker, personally or otherwise, offer, promise, give, option, sell or produce any stocks, bonds, securities or property, or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever, as inducement to insurance or in connection therewith, which is not specified in the policy: Provided, That nothing in this section shall be construed to prevent the taking of a bona fide obligation, with legal interest, in payment of any premium. Upon satisfactory evidence of the violation of the provisions of this section of this act, by any insurance company, association or society, its officers, solicitors or agents, or any insurance broker, the Insurance Commissioner shall revoke the certificate of authority of such offending [company, association or society, its solicitors or] agents, or any insurance broker; and he shall have the right, in his discretion, to refuse for a period of not to exceed one year thereafter to issue a new license to such offending company, association or society, agent, solicitor or broker. When a certificate shall be refused or suspended or revoked the party aggrieved may appeal to the court of common pleas of Dauphin county. Nothing in this act shall prevent a company transacting industrial life insurance, on a weekly payment plan, from returning to policyholders who have made a premium payment for a period of at least one year, the percentage of premium which the company would otherwise have paid for the weekly collection of such premium. Any life insurance company organized on the joint-stock plan under the laws of Pennsylvania, and authorized to do business prior to the first day of March, Anno Domini one thousand nine hundred and nine, now engaged in selling its own stock to policyholders of such company; and also any life insurance company organized on the mutual assessment plan, under the laws of Pennsylvania, prior to said first day of March, Anno

Domini one thousand nine hundred and nine, and actually engaged prior to and on said date in selling, by option or otherwise, to its policyholders the stock of a proposed joint-stock life insurance company, to be organized under the laws of this Commonwealth for the purpose of taking over the insurance business of said mutual company when so organized; may continue, for the period of three years from the date of the approval of this act, the sale of the same, either by said mutual company or by its successor, the proposed joint-stock company, when formed, until an amount of capital not in excess of one million dollars shall have been disposed of. Any insurance company, association or society, its officers, solicitors or agents, or any insurance broker, violating the provisions of this section of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each and every violation, or, in the discretion of the court, to imprisonment in the county jail of the county in which the offense is committed, for a period of not more than six months, or both.

Section 1, Act of July 12, 1913, P. L. 745.

43. Insured Not to Receive Rebate. Penalty. No insured person or party, or applicant for insurance, shall, directly or indirectly, receive or accept, or agree to receive or accept, any rebate of premium, or of any part thereof, or all or any part of any agent's, [solicitor's], or broker's commission thereon, or any favor or advantage, or share in any benefit to accrue under any policy of insurance, or any valuable consideration or inducement, other than such as are specified in the policy. Any insured person or party, or applicant for insurance, violating the provisions of this section of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each and every violation, or, in the discretion of the court, to imprisonment in the county jail of the county in which the offense is committed for a period of not more than six months, or both.

Section 2, Act of July 12, 1913, P. L. 745.

44 Persons Not to Be Excused from Testifying. No person shall be excused from testifying, or from producing any books, papers, contracts, agreements or documents, at the trial or hearing of any person or company, association or society, charged with violating any of the provisions of this act, on the ground that such testimony or evidence may tend to incriminate himself; but no person shall be prosecuted for any act concerning which he shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Section 3, Act of July 12, 1913. P. L. 745.

45. Commissions to Attorneys, Etc., of Beneficiaries Unlawful. From and after the passage of this act, it shall be unlawful for any [person, firm or corporation,] insurance agent, broker, [solicitor, or representative] to pay or cause to be paid any commission or compensation whatsoever, to any attorney, partner, clerk, servant, employee, or any other person, howsoever hired or employed by or with any insured or any beneficiary named in any policy of life insurance; and it shall be unlawful for any attorney, partner, clerk, servant, employee, or any other person, howsoever hired or employed by or with any insured or any beneficiary named in any policy of life insurance, to receive, directly or indirectly, any commission, compensation, or other benefit because or by reason of any such life insurance being placed, sold, or solicited on the life or for the benefit of their respective clients, employers, or masters, or any of them; and it shall be unlawful for any attorney, officer, clerk, servant, or employee of any corporation, partnership, joint-stock company, or individual to receive, directly or indirectly, any commission, compensation, or benefit because or by reason of any life insurance being placed, sold or solicited on the life or for the benefit of any attorney, officer, clerk, servant, or employee of the same corporation, partnership, joint-stock company, or individual, whether or not any such attorney, partner, officer, clerk, servant, or employee, or other person hired or employed by or with the insured of any beneficiary named in any policy of life insurance, be duly licensed by the proper authority in this Commonwealth, to place, sell, or solicit life insurance.

Section 1, Act of June 7, 1915, P. L. 85.

46. Penalties. Every such attorney, partner, officer, clerk, servant, or employee, or other person hired or employed, or continuing to be hired or employed in the relation aforesaid, within ninety days before or after the placing, selling, or soliciting of life insurance on the life or for the benefit of their respective clients, partners, officers, employers, masters, or person in the relation aforesaid, or any of them, shall be under the provisions of this act; and every person, firm, or corporation participating in the payment or receipt of any compensation or benefit in violation of this act shall be guilty of a misdemeanor, and for conviction thereof shall be liable to a fine of not less than fifty dollars, nor more than five hundred dollars, payable to the Commonwealth, and imprisonment of not less than thirty days nor more than six months, at the discretion of the court.

Section 2, Act of June 7, 1915, P. L. 85.

47. Unlawful for Municipalities to Impose License Fees upon Insurance Agents and Brokers. That from and after the passage of this act, it shall be unlawful for any city, county or municipality to impose or collect any license fee upon insurance companies or their agents, or insurance brokers, authorized to transact business under

an act approved the first day of June, nineteen hundred and eleven, entitled "An Act to establish an Insurance Department; authorizing the appointment of an Insurance Commissioner, and prescribing his powers and duties; also providing for the licensing, examination, regulation and dissolution of insurance and surety companies and associations, and for the licensing and regulation of insurance agents and insurance brokers; also providing for the collection of fees, and prescribing penalties for the violation of any of the provisions of this act, and repealing all existing acts."

Section 1, Act of May 3, 1915, P. L. 217.

This act was repealed so far as relates to townships by the Act of July 14, 1917, P. L. 840. For provisions relating to townships, see *infra*, Section 48.

This act seems to repeal that part of Section 3 of the Act of June 27, 1913, P. L. 568, which authorizes third class cities to collect license taxes on insurance agents.

48. Townships Prohibited from Imposing License Tax on Insurance Agents and Brokers. It shall be unlawful for any township of the first or second class to impose or collect any license fee upon insurance [companies or their] agents, or insurance brokers, authorized to transact business under an act approved the first day of June, nineteen hundred and eleven (page six hundred and seven), entitled "An Act to establish an Insurance Department; authorizing the appointment of an Insurance Commissioner, and prescribing his powers and duties; also providing for the licensing, examination, regulation, and dissolution of insurance and surety companies and associations, and for the licensing and regulation of insurance agents and insurance brokers; also providing for the collection of fees, and prescribing penalties for the violation of any of the provisions of this act; and repealing all existing acts."

Section 1271, Township Code, approved July 14, 1917, P. L. 840.

(e) Money Lenders (Loan Shark Act).

49. Loaning of Money in Sums of Three Hundred Dollars and Less to Individuals Pressed by Lack of Funds. Issuing of License. Fee. Bond. Investigations by Banking Commissioner. That on and after the passage of this act, it shall be lawful for any person, persons, partnership, association or corporation within this Commonwealth, who shall comply with the requirements of this act, to loan money in sums of three hundred (\$300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities, and charge and collect for the loan thereof interest and fees as hereinafter provided, under the following conditions:

(a) Any person or persons, firm, corporation or association, applying for the same under oath and in the form prescribed by the Bank-

ing Commissioner, and paying the sum of fifty (\$50) dollars, may, in the discretion of the Banking Commissioner, except as hereinafter provided, obtain a license for carrying on the said business. The said license shall be issued by the Banking Commissioner, and shall expire the first day of June next following the date of its issuance, but no abatement of said charge shall be made if licenses are issued for less than one year. Every such license shall be renewed annually, on the first day of June in each year. No license shall be granted to any corporation, unless and until such corporation shall, in writing and in due form, to be first approved by and filed by the Banking Commissioner, appoint an agent, resident in the Commonwealth of Pennsylvania, upon whom all judicial and other process or legal notice directed to such corporation may be served; and, in the case of the death, removal from the Commonwealth, or any legal disability or disqualification of any such agent, service of such process or notice may be made upon the Banking Commissioner. The said commissioner shall have the power to reject any application for license, if he is satisfied that the character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act. The said commissioner may revoke any license if the licensee shall violate any of the provisions of this act. Whenever such license is revoked, said commissioner shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license, and, not at all, if such licensee shall have been convicted of a violation of this act, under the provisions of section six (6) thereof. In addition to said license fee, said licensee shall pay for the examination by said Banking Commissioner, as hereinafter provided. Every such applicant shall execute and file a bond to the Commonwealth of Pennsylvania, in the penal sum of five thousand (\$5,000) dollars, with the Banking Commissioner, to be approved by him, for the faithful observance of all laws relating to such business. Said bond shall be executed by a surety company, authorized by the laws of Pennsylvania to transact business within the Commonwealth, and such bond shall be renewed and refiled annually not later than the first day of June in each year.

(b) The license shall state fully the name or names of the person or corporation, and of every member of the firm or association, authorized to do business thereunder, and the location of the office or place of business in which the business is to be conducted; and, in the case of a corporation, shall also state the date and place of its incorporation, the names of its directors for the period for which the license is issued, and the name and address of the agent as provided in section one (1) of this act. Such license shall be kept posted in a conspicuous place in the office where the business is transacted. No

person, persons, firm, corporation, or association so licensed shall transact or solicit business under any other name, or at any other office or place of business than that named in the license. Not more than one office or place of business shall be maintained under the same license, and no loans or advancements shall be made at any other place than that designated in the license. But, in case of a removal, the Banking Commissioner may, on application, indorse thereon a transfer to the new place of business, with the date of transfer, and from the time of such indorsement the new place so designated shall be deemed the place designated in the license.

(c) The Banking Commissioner shall, either personally or by such person or persons as he may appoint for the purpose, at least once a year and oftener if he deems it advisable, investigate the business and affairs of every such licensee, and, for that purpose, shall have free access to the vaults, books and papers thereof, and other sources of information with regard to the business of such licensee, and shall ascertain the condition of the business and whether it has been transacted in accordance with law. Said commissioner and every examiner appointed by him shall have authority to examine, under oath or affirmation, any person whose testimony relative to the business of any such licensee may be required on any such examination. The cost of every such examination shall be paid by the licensee so examined, and said commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction.

Section 1, Act of June 17, 1915, P. L. 1012.

This act is constitutional.—*Wheeler v. Loan Co.*, 25 D. R. 793; *Com. v. Stewart*, 25 D. R. 892.

50. Powers of Persons, Etc., Obtaining License. Any person, persons, copartnership, association or corporation who shall obtain a license, in accordance with the provisions of section one of this act, shall be entitled to loan money in sums of three hundred (\$300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities, at his, their or its place of business, for which said license is issued, and to charge the borrowers thereof, for its use or loan, interest as follows: Upon loans not exceeding one hundred (\$100) dollars in amount, not more than three (3) per centum per month; upon loans exceeding one hundred (\$100) dollars in amount, and not exceeding three hundred (\$300) dollars, not more than two (2) per centum per month; and, in addition, in any case in which the loan is made for a period of not less than four (4) months, on sums not exceeding (\$50) dollars in amount, an examination fee of not more than one (\$1); on sums exceeding fifty (\$50) dollars, an examination fee of not more than two (\$2) dollars, may be charged, for examining the security offered or the credit and responsibility of the borrower. No charge of any

kind, in addition to interest, shall be made on a loan of less than fifteen (\$15) dollars. No charge, in addition to the said interest and examination fee, shall be exacted, charged, or collected.

It shall not be lawful for said lender to divide or split up applications for loans, under any pretext whatsoever, so as to require or exact any other or greater charges than prescribed herein; or to make any charges for renewals or extensions, or for any transfers or changes, of any loan or loans within four months of the date of the original loan. Said licensee shall be entitled to charge for each renewal, extension, or transfer of any loan, made after the expiration of four months from date of said loan, a new examination fee as hereinbefore specified, providing said renewal, extension, or transfer shall be for a period of not less than four months from date of making said renewal, extension, or transfer. Interest shall not be payable in advance, and shall be chargeable only upon unpaid balances. The examination fee herein provided may be payable at the time of the making of the loan. A licensee shall not be entitled to any examination fee, or any charge whatsoever, unless a loan is actually made. If interest or charges in excess of those hereinbefore prescribed shall be received by any licensee, the said licensee shall thereupon lose all his right to collect or receive the interest and charges allowed under this act, and shall be entitled to recover from the borrower only the amount actually loaned, together with interest at the rate of six per centum per annum upon unpaid balances, less any and all amounts already paid by the borrower on account of said loan, either as principal or interest. Any person, borrowing money from any licensee under this act, who shall be charged and pay any charges or interest in excess of those prescribed and allowed by the provisions of this act, shall be entitled to recover back from the lender, by action at law, begun at any time within two years from the date of the last payment, any and all sums of money so charged and paid in excess of the amount of the original loan, together with interest at the rate of six per centum per annum upon unpaid balances, up to the date of final payment of said loan, and, in addition, fifty (\$50) as a penalty, to be paid to the borrower.

Section 2, Act of June 17, 1915, P. L. 1012.

51. Card to be Issued to Borrower. A licensee making any loan under the terms of this act shall, at the time of making such loans, give to the borrower a receipt or card, upon which shall be stated the date and amount actually loaned, the amount of examination fee, the amount and date of each payment thereon, and the rate of interest charged. On the back thereof, or immediately attached thereto, shall be printed in legible type, in English, a copy of section two (2) of this act.

Section 3, Act of June 17, 1915, P. L. 1012.

52. Payments on Account. Receipts. Wherever payment is made on account of a loan to which the provisions of this act shall apply, the person receiving such payment shall, when payment is made, give to the person paying a receipt, setting forth the amount then paid, the total amount previously paid, and the amount remaining due, identifying the instrument accompanying the loan to which the payment is to be applied.

Section 4, Act of June 17, 1915, P. L. 1012.

53. Licensee Not to Ask for, Receive or Accept any Power of Attorney, Etc. A licensee under the provisions of this act shall not ask for, accept, or receive, from any borrower or intending borrower, any power of attorney or written instrument authorizing or purporting to authorize any person or persons, either individually or acting as officer or agent for any person, persons, copartnership, association, or corporation, either within or outside of this Commonwealth, to sign, make, or execute any note, instrument, or written promise to pay any sum or sums of money whatsoever. Any note, instrument, or written promise to pay any sum of money, made or executed by virtue or authority of any such power of attorney or written authorization, shall be null and void, and proof that the same was made in said manner shall be sufficient to prevent recovery being had upon the same in any court of this Commonwealth.

Section 5, Act of June 17, 1915, P. L. 1012.

54. Penalties for Violation of Act. Every person, persons, copartnership, association, or corporation, or any partner, director, officer, agent, or member thereof, who shall violate any provision of this act, or shall direct or consent to such violation; or who shall lend money in sums of three hundred (\$300) dollars or less, and charge or receive for the loan or use thereof interest in excess of six per centum per annum, without first having complied with the provisions of section one of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred (\$500) dollars for the first offense; and, for each subsequent offense, a like fine, and to suffer imprisonment not to exceed six months; or both, in the discretion of the court.

Section 6, Act of June 17, 1915, P. L. 1012.

55. Existing Legislation Saved. Exemptions from Act. This act shall not affect any existing laws, special or general, authorizing a charge for the loan of money in excess of interest at the legal rate: And provided, That this act shall not apply to any person, persons, partnership, association, or corporation operating under the laws relating to banks, trust companies, building associations, or pawnbrokers.

Section 7, Act of June 17, 1915, P. L. 1012.

(f) **Bucket Shops.**

56. Bucket Shop Defined. A bucket-shop, within the meaning of this act, is defined to be an office, store, or other place, wherein the proprietor or keeper thereof, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association, or copartnership, within or without the Commonwealth, conducts the business of making, or offering to make, contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any stock, grains, provisions, or other commodity, or personal property, wherein both parties thereto, or said proprietor or keeper, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to, or upon the basis of, the public market quotations of prices, made on any Board of Trade or Exchange upon which the commodities or securities, referred to in such contracts, agreements, trades, or transactions, are dealt in, and without a bona fide transaction on such Board of Trade or Exchange; or wherein both parties or such keeper or proprietor, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices, made on such Board of Trade or Exchange, for the articles or securities named in such contracts, agreements, trades, or transactions, shall reach a certain figure; and also any office, store, or other place, where the keeper or proprietor thereof, either in his or its own behalf, or as agent aforesaid, therein makes, or offers to make, with others contracts, agreements, trades, or transactions for the purchase or sale of any such commodity, wherein the parties do not contemplate the actual or bona fide receipt or delivery of such property, but do contemplate a settlement thereof based upon differences in the prices at which said property is or is claimed to be bought and sold. The said crime shall be complete against any proprietor or keeper, thus offering to make any such contracts, agreements, trades, or transactions, whether such offer is accepted or not. It is the intention of this act to prevent, punish, and prohibit, within this Commonwealth, the business now engaged in and conducted in places commonly known and designated as "bucket-shops," and also to include the practice now commonly known as "bucket-shopping" by persons, corporations, associations, or copartnerships, who or which ostensibly carry on the business or occupation of commission merchants or brokers in grain, provisions, petroleum, stocks, and bonds.

Section 1, Act of June 1, 1907, P. L. 359, No. 260.

57. Penalty for Keeping Bucket Shop. It shall be unlawful for any corporation, association, copartnership, person, or persons to keep, or cause to be kept, within this Commonwealth, any "bucket-

shop;" and any corporation, association, copartnership, person, or persons, whether acting individually, or as a member or as an officer, agent, or employe of any corporation, association, copartnership, person or persons, who shall keep, or assist in the keeping of, any bucket-shop, within this Commonwealth, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or both, in the discretion of the court; and any person or persons who shall be judicially determined guilty of a second offense, under this statute, shall, in addition to the penalty above described, be subject to a penalty of imprisonment in the county jail for a period of not less than sixty days nor more than six months, and, if a corporation, shall be liable to the forfeiture of its charter, by a proceeding in quo warranto, to be instituted at the relation of the Attorney General or of the district attorney of the district within which the offense shall have been committed. The continuance of the establishment after the first conviction shall be deemed a second offense.

Section 2, Act of June 1, 1907, P. L. 359, No. 260.

58. Prima Facie Evidence of Violations of Act. It shall not be necessary, in order to convict any corporation, association, copartnership, person or persons of keeping a bucket-shop, or causing one to be kept, within this Commonwealth, under the provisions of this act, that the proprietor or keeper thereof, or any person or persons on his behalf, has entered into any contract, agreement, trade or transaction of the nature described in section one of this act; but it shall be sufficient to show that such proprietor, keeper, person, or persons, has offered to make such a contract, agreement, trade or transaction, whether the contract, agreement, trade, or transaction was accepted or not; and proof of a single instance wherein the proprietor or keeper thereof, or any person or persons on his behalf, has made or offered to make any contract, agreement, trade, or transaction of the nature described in section one of this act, shall be conclusive that the place wherein the same was made is a bucket-shop, within the meaning of this act.

Section 3, Act of June 1, 1907, P. L. 359, No. 260.

59. Accessories. Any corporation, association, copartnership, person, or persons who shall transmit or communicate by telegraph, telephone, wireless telegraphy, express, mail, or otherwise, or who shall receive, exhibit, or display in any manner any statement or quotation of the prices of any property, mentioned in section one of this act, with a view of entering into any contract, agreement, trade, or transaction, or offering to enter into any contract, agreement, trade or transaction or with a view of aiding others to enter or

offer to enter into any such contract, agreement, trade, or transaction, of the nature described in section one of this act, shall be deemed an accessory to the keeping of a bucket-shop, and, upon conviction, shall be subject to a fine and punishment the same as a principal, and as provided in section two of this act, and, if a corporation, its charter shall be forfeited by a proceeding in quo warranto, instituted either at the relation of the Attorney General or the district attorney of the county within which the offense was committed.

Section 4, Act of June 1, 1907, P. L. 359, No. 260.

60. Owners and Lessors of Buildings, Etc., Guilty of Misdemeanors. Any corporation, association, copartnership, person or persons whatsoever, who shall knowingly permit a bucket-shop to be maintained or operated in any building, house, outhouse, booth, arbor, tent, or erection, or on any boat, flat, barge or other vessel whatsoever, owned, leased, controlled, or operated by it, him, or her, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than one thousand dollars nor more than two thousand dollars; and any penalty, so adjudged, shall be a lien upon the premises, or boat, barge or other vessel, in or on which the said bucket-shop shall be maintained and operated.

Section 5, Act of June 1, 1907, P. L. 359, No. 260.

61. Contracts Declared Void. Penalty for Entering Into Contracts. All contracts, agreements, trades, or transactions of the nature described in section one of this act are hereby declared gambling, and criminal acts, and absolutely null and void; and all persons, corporations, associations, copartnerships, or firms entering into the same, whether for themselves, or as agent or broker of any corporation, association, copartnership, person, or persons, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than twenty-five dollars nor more than five hundred dollars, for each and every offense.

Section 6, Act of June 1, 1907, P. L. 359, No. 260.

BUCKET-SHOP KEEPERS.

See Brokers (f).

CHAMBERMAIDS.

See Cooks.

CHAUFFERS.

1. Licensing of Drivers of Motor Vehicles. Every person desiring to operate a motor vehicle as a paid operator, or who is an employee of the owner or custodian thereof, shall first obtain a driver's license. Application for license shall be made upon a blank furnished by the Highway Department, and shall contain the full name of the applicant, with his place of residence; and shall state that said applicant

is over eighteen years of age, and is qualified to operate a motor vehicle. It shall be signed by the applicant and verified by oath or affirmation.

Upon receipt of the application and fee of two dollars (\$2), the State Highway Department shall issue to the applicant a driver's license and badge. The license shall contain the licensee's name and residence, and the date and number of the license. It shall be carried by the licensee at all times when operating a motor vehicle. Upon the badge shall be the words "Pennsylvania Licensed Driver," the year, and the number of the license which it accompanies. It shall not be less than two and one-half ($2\frac{1}{2}$) inches in its greatest diameter, and shall be conspicuously worn on the front of the outer garment of the licensee at all times when said licensee is operating a motor vehicle. All such licenses shall expire after December thirty-first of the year issued.

Every person other than a paid operator, owner, custodian or employe, desiring to operate a motor vehicle, shall make application to the State Highway Department, upon a blank furnished by the Department, for a license card, which shall be furnished free of charge to the applicant, and which shall expire upon the thirty-first day of December of the year in which it was issued.

Section 9, Act of July 7, 1913, P. L. 672.

2. Revocation of Driver's License. The Highway Commissioner may, at his discretion, revoke or suspend, upon hearing, after due notice in writing, mailed to his address as stated in his application, of the proposed revocation and the grounds therefor, for any period up to one year, the registration of any car or the license of any driver, upon reasonable grounds, for improper conduct in operating a motor vehicle. No person to whom the registration of a motor vehicle has been refused, or revoked, shall drive or operate a motor vehicle upon the public highways of this State. No person shall knowingly permit any motor vehicle which he may own to be driven by any person whose license has been revoked, or by any person to whom registration for a motor vehicle has been refused, or whose registration of a motor vehicle has been revoked.

The State Highway Commissioner shall issue printed monthly bulletins, giving name and address of each applicant for license, together with the number of license issued to said applicant; and shall furnish same, free of charge, to mayors, burgesses, police magistrates, chiefs of police, aldermen, and justices of the peace and shall furnish at a nominal fee said bulletin to all other applicants for the same.

Section 11, Act of July 7, 1913, P. L. 672.

3. Sounding Warning. Lights. Every motor vehicle shall be provided when in use with good and sufficient brakes, and with a horn,

bell, or other signal device. Motor vehicles shall, from one hour after sunset until one hour before sunrise, show at least two white lights, visible not less than two hundred (200) feet in the direction in which the motor vehicle is proceeding: Provided, however, That motor cycles need display only one white light visible in the direction in which they are proceeding.

Every operator of a motor vehicle shall sound his horn, bell, or signal device, giving reasonable warning of his approach, whenever necessary to insure the safety of other users of the highways, and also when approaching a street or road crossing, dangerous curve, in any of the cities, boroughs, or townships of this Commonwealth, where the proper authorities shall have erected signs, easily readable from the highway, and at right angles thereto, bearing thereon, in letters at least five (5) inches in height, the words "Danger: blow your horn." The unnecessary sounding of bells, horns, or other signal devices, the unnecessary use of muffler cut-outs, or their use when approaching or passing any other vehicle or animal of draft or burden, is prohibited. When signaled to do so, by the driver of any horse or other animal of draft or burden, the operator of a motor vehicle shall stop, and, if circumstances require it, shall stop his engine until the danger has been avoided. When overtaken by any other vehicle legally traveling at a greater speed, the operator or driver of any motor vehicle, when signaled to do so, shall turn reasonably to the right of the center of the highway, allowing the other vehicle free passage to the left. No person shall drive or operate a motor vehicle upon any public street or highway in this Commonwealth having metal spurs or lugs, or other metal projections, more than three-fourths ($\frac{3}{4}$) of an inch in length upon the tires thereof, except upon natural earth roads, or when the streets are covered with ice or snow, so that the safety of other users of the highway makes it necessary.

Section 13, Act of July 7, 1913, P. L. 672.

4. Speed Regulations. No person shall operate a motor vehicle on the public highways of the State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic, and use of the highway, or so as to endanger property, or the life or limb of any person; but no person shall drive a motor vehicle at a rate of speed exceeding one (1) mile in two and one-half ($2\frac{1}{2}$) minutes; and no person shall drive a motor vehicle, having solid tires and weighing more than five thousand (5,000) pounds gross maximum weight of vehicle and load combined, at a greater rate of speed than one mile in four (4) minutes; and no person shall drive a motor vehicle, having solid tires and weighing over ten thousand (10,000) pounds, gross maximum weight of vehicle and load combined, at a greater rate of speed than one (1) mile in five

(5) minutes; and no person shall drive a motor vehicle, having solid tires and weighing over fifteen thousand (15,000) pounds, gross maximum weight of vehicle and load combined, at a greater rate of speed than one (1) mile in six (6) minutes: Provided, That the local authorities having charge of any of the highways may, in dangerous or built up sections, place signs marked "Danger: run slow," in letters not less than five (5) inches in height. Said signs to be placed at right angles to, and plainly legible from, the highway, and facing the traffic the speed of which is to be reduced; and at these places the speed limit shall not exceed a rate of a mile in four minutes, for a distance beyond said sign of not more than one-quarter of a mile; and, if such highway is still in a dangerous or built-up section, a second sign similar to the above described may be erected, and the speed limit shall not exceed the rate of a mile in four minutes, for not more than a quarter of a mile beyond said sign; and as many signs may be erected as may be necessary. At the end of said dangerous or built-up section shall be erected a sign reading "End of fifteen mile limit," in letters not less than five (5) inches in height; said sign to be placed at right angles to the highway and facing the traffic. When a motor vehicle meets or overtakes a street passenger car which has stopped for the purpose of taking on or discharging passengers, the motor vehicle shall not pass said car on the side on which passengers get on or off until the car has started, or until any passenger who may have alighted shall have reached the side of the road, or any passenger who may be about to board the car shall have done so.

Section 14, Act of July 7, 1913, P. L. 672.

5. Penalty for Driving When Intoxicated. Any person operating a motor vehicle when intoxicated shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300), or imprisonment for not more than one year, or both, at the discretion of the court.

Section 16, Act of July 7, 1913, P. L. 672.

6. Unlawful Use of Motor Vehicles. Any person operating a motor vehicle under any other number than that of its registration, or any person operating any motor vehicle without the consent of the owner thereof, or any person operating a motor vehicle the registration of which has been revoked or suspended, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300), or imprisonment not exceeding one year, or both, at the discretion of the court.

Section 17, Act of July 7, 1913, P. L. 672.

7. Obeying Officers' Signals. All operators of motor vehicles shall, upon request or signal of any constable or police officer, who shall be in uniform or shall exhibit his badge or other sign of authority, stop and exhibit their registration certificate or license, if so required, and shall furnish to any legally constituted authority all information in their possession as to the identity of the operator or owner of any motor vehicle.

Section 18, Act of July 7, 1913, P. L. 672.

8. Method of Arrest for Violations of Act. The constables and police officers of the State, counties, cities, boroughs, incorporated towns, and townships of this Commonwealth may arrest, upon view and without warrant, any person or persons violating any of the provisions of this act; but such officer shall forthwith make and file with the magistrate, alderman, or justice of the peace before whom the person arrested is taken, an affidavit setting forth in detail the alleged violation of the section of the act complained of, and furnish a copy to the person arrested. In the event of an arrest as aforesaid, if the defendant is unable to give sufficient bail for a hearing or for his appearance at court, the magistrate, alderman, or justice of the peace before whom he is first taken shall accept as bail any article of sufficient value, or, provided he is the owner thereof, hold in custody the motor vehicle found in the possession of the defendant; and the court, magistrate, alderman, or justice of the peace, after the trial of the defendant, if in the meantime sufficient bail according to law has been given, shall make such order as to the disposition of such motor vehicle or other article accepted as bail as shall seem just and proper.

Section 19, Act of July 7, 1913, P. L. 672.

9. Penalties for Violation of Act. Any person—except as provided in sections sixteen and seventeen—violating any of the provisions of this act shall be subject to a fine or penalty of not less than ten dollars (\$10), nor more than twenty-five dollars (\$25), to be collected by summary conviction before any magistrate, alderman, or justice of the peace, as like fines and penalties are now by law collected; or, in case of non-payment of a fine within forty-eight (48) hours, bail in double the amount of fine and costs being first entered, to undergo an imprisonment in the county prison for a period not exceeding ten (10) days: Provided, That any person so accused may waive such summary trial or hearing, and secure the right of trial by jury before the court of quarter sessions of the peace for the county in which the offense is alleged to have been committed, by depositing with the magistrate, alderman, or justice of the peace to whom complaint has been made, or before whom he is taken, a sum in double the amount of the fine and costs which might be imposed, or by entering security to pay the same. Any person or persons previously con-

victed before a court of quarter sessions, or magistrate, alderman, or justice of the peace of this Commonwealth, for any violation of the provisions of this act, shall upon conviction of a second offense, within a period of one year, be sentenced to pay a fine of not less than twenty-five dollars (\$25), nor more than fifty dollars (\$50); or, in case of non-payment of such fine, to undergo an imprisonment in the county prison for a period not exceeding twenty days. Any person or persons previously convicted before a magistrate, alderman, or justice of the peace of this Commonwealth, for any violation of the provisions of this act, shall, upon conviction of a third or subsequent offense, within a period of one year, be deemed guilty of a misdemeanor, and shall be sentenced to pay a fine of not less than fifty dollars (\$50), nor more than two hundred dollars (\$200), or, in case of non-payment of such fine, to undergo an imprisonment in the county prison for a period not exceeding thirty (30) days. Any person or persons accused of a second or subsequent offense shall have the right to a trial by jury, in the same manner and upon the same condition as is provided for in the case of persons accused of a first offense: Provided, That if, after conviction before a magistrate, alderman, or justice of the peace, the accused desires to appeal to the court of quarter sessions, he shall be entitled to do so, according to law as in other cases of summary conviction, provided he gives a bond conditioned upon securing and prosecuting the appeal with effect, or otherwise to secure payment of the fine imposed. Proceedings under this act may also be commenced by the issuance of a warrant, in the name of the Commonwealth; which warrant may be served by a constable, policeman, or other officer having authority to serve warrants, in any part of the Commonwealth, and a copy of the affidavit or information shall be served with such warrant. Any officer serving such warrant shall take the defendant before a magistrate, alderman, or justice of the peace of the county in which the defendant is found, who shall take bail for his appearance before the magistrate or justice of the peace who issued the warrant, or for a trial by jury, in accordance with the provisions of this act.

All money, articles of value, or motor vehicles deposited with any magistrate or justice of the peace, as provided in this act, shall be returned to the defendants upon the termination of the cause, or upon the certificate of the district attorney of the county in which the action is brought.

Section 21, Act of July 7, 1913, P. L. 672.

CIVIL ENGINEERS.

See Surveyors.

COMMISSION MERCHANTS AND FACTORS.

See also Brokers.

1. Proceedings to Enforce Lien of Commission Merchants and Factors. In all cases, in which commission merchants, factors and all common carriers, or other persons, shall have a lien; under existing laws, upon any goods, wares, merchandise, or other property, for, or on account of, the costs or expenses of carriage, storage, or labor bestowed on such goods, wares, merchandise, or other property, if the owner, or consignee of the same, shall fail, or neglect, or refuse to pay the amount of charges upon any such property, goods, wares, or merchandise, within sixty days after demand thereof, made personally, upon such owner, or consignee, then, and in such case, it shall and may be lawful for any such commission merchant, factor, common carrier, or other person, having such lien, as aforesaid, after the expiration of said period of sixty days, to expose such goods, wares, merchandise, or other property, to sale, at public auction, and to sell the same, or so much thereof, as shall be sufficient to discharge said lien, together with costs of sale and advertising: Provided, That notice of such sale, together with the name of the person or persons, to whom such goods shall have been consigned, shall have been first published for three successive weeks, in a newspaper, published in the county, and by six written, or printed handbills, put up in the most public and conspicuous places in the vicinity of the depot where the said goods may be.

Section 1, Act of December 14, 1863, P. L. 1127 (1864).

2. Sale of Goods of Unknown Owners and of Perishable Goods. Upon the application of any of the persons or corporations, having a lien upon goods, wares, merchandise, or other property, as mentioned in the first section of this act, verified by affidavit, to any of the judges of the courts of common pleas of this Commonwealth, setting forth that the places of residence of the owner and consignee of any such goods, wares, merchandise, or other property, are unknown, or that such goods, wares, merchandise, or other property, are of such perishable nature, or so damaged, or showing any other cause that shall render it impracticable to give the notice as provided for in the first section of this act, then, and in such case, it shall and may be lawful for a judge of the city, or county, in which the goods may be, to make an order, to be by him signed, authorizing the sale of such goods, wares, merchandise, or other property, upon such terms, as to notice, as the nature of the case may admit of, and to such judge shall seem meet: Provided, That in cases of perishable property, the affidavit and proceedings, required by this section, may be had before a justice of the peace.

Section 2, Act of December 14, 1863, P. L. 1127 (1864).

3. Disposition of Surplus. The residue of moneys arising from any such sales, either under the first or second sections of this act, after deducting the amount of the lien, as aforesaid, together with costs of advertising and sales, shall be held subject to the order of the owner, or owners, of such property.

Section 3, Act of December 14, 1863, P. L. 1127 (1864).

4. Commission Merchants May Contract for Interest at Seven per Cent. Commission merchants and agents of parties not residing in this Commonwealth, be and they are hereby authorized to enter into an agreement to retain the balances of money in their hands, and pay on the same a rate of interest not exceeding seven per centum per annum, and receive a rate of interest not exceeding that amount, for any advance of money made by them on goods or merchandise consigned to them for sale or disposal: Provided, That this act shall only apply to moneys received from or held on account of, and advances made upon goods consigned from importers, manufacturers and others living and transacting business in places beyond the limits of the State.

Section 1, Act of May 21, 1857, P. L. 639.

CONDUCTORS (RAILROAD).

See also Engineers (Locomotive).

1. Penalty for Entering in and Upon Trains and Locomotives, with Explosives. That if any person shall enter into or upon any railroad train, locomotive, tender or car thereof, or into or upon any stage coach, or other conveyance used for the carrying of freight or passengers, having in his custody or about his person any nitro-glycerine or torpedo, shall carry or cause to be carried other than as freight regularly shipped as such, such substance, material or device, upon such train, locomotive, tender, car, coach, or other conveyance, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and to undergo an imprisonment not exceeding three months, or either, in the discretion of the court.

Section 1, Act of May 23, 1878, P. L. 102.

2. Conductors to Arrest Persons Bringing Explosives Into Trains. Procedure. That the conductor or persons having charge and control of any railroad train, coach, or other conveyance for the carriage of freight or passengers, shall have power to arrest any party or parties, or person or persons, found violating the provisions of the first section hereof, and to detain such party or person until reaching some place, where such person or persons may be delivered to a constable or other police authority, to be taken before any magistrate having jurisdiction of criminal matters, there to be proceeded against by information as in other criminal cases; and it shall be lawful to

prosecute such offenders in any county through which said public conveyance passes, without reference to the place where such offenders were arrested.

Section 2, Act of May 23, 1878, P. L. 102.

3. Conductors to Arrest Person Guilty of Disorderly Conduct on Railroad Trains. If any person or persons shall wilfully make any loud, boisterous, and unseemingly noise, or by using obscene or profane language disturb and annoy any one who shall be passengers upon any railroad or railway car, or who may be visitors at any public or private park or picnic grounds, kept for the amusement of the public in this Commonwealth, whereby, through such conduct, the public peace is broken or disturbed, or the public annoyed, he, she, or they shall be guilty of the offense of disorderly conduct; and, upon conviction thereof before any magistrate, justice of the peace, alderman, mayor, or burgess, shall be sentenced to pay the costs of prosecution; and to forfeit and pay a fine not exceeding ten dollars; and in default of the payment thereof shall be committed to and imprisoned in the county jail of the proper county for a period not exceeding thirty days.

It shall be the duty of any conductor, in charge of any passenger train on a steam service railroad, to arrest on view any person so conducting himself in a disorderly manner in such train, and to deliver such person into the custody of any constable or any police officer in the county, who shall forthwith deliver such person to the keeper of the proper jail or prison or lockup to await a hearing, as aforesaid.

Section 1, Act of May 19, 1913, P. L. 223, amending Section 1, Act of May 21, 1901, P. L. 286.

CONDUCTORS (RAILWAY).

1. Twelve Hours to Constitute a Day for Railway Conductors. Overtime. That from and after the passage of this act, it shall be unlawful for the president, board of directors, superintendent or other agents of any horse, cable and electric railway company to permit or suffer any conductor, driver, or any other person in the employ of any such company, to work more than twelve hours in any one day in the service of such company: Provided, That all necessary labor, over and above the time set by this section, shall be considered overwork, for which the laborer shall receive additional compensation.

Section 1, Act of March 24, 1887, P. L. 13.

2. Penalty upon Officers of Company for Requiring Overtime. Any president, director, or other officer of such company, who shall permit or suffer any conductor, driver, or any other person in the employ of such company, to work more than twelve hours of any one day in the service of such company, except as provided in section

one, shall be guilty of a misdemeanor, and, on conviction thereof, shall suffer imprisonment for not less than thirty days, nor more than six months.

Section 2, Act of March 24, 1887, P. L. 13.

3. Effect of Evidence Upon Trial. On the preliminary trial, or hearing of any such president, director, or other officer, charged with the misdemeanor aforesaid, evidence of the actual service by such conductor, driver or any other employe, during more than twelve hours in any one day, shall be sufficient prima facie proof of such permission, or sufferance, by such president, director, or other officer: Provided, however, That a party charged with such offense may show, in his defense, that such excessive service was without his knowledge, permission or sufferance.

Section 3, Act of March 24, 1887, P. L. 13.

COOKS.

1. Cooks Suffering With Certain Diseases not to be Employed in Certain Places. No person or persons, firm, or corporation or common carrier, operating or conducting any hotel, restaurant, dining-car, or other public eating-place in this Commonwealth, shall hereafter employ or keep in their employ, in the capacity of cook, waiter, chambermaid, kitchen-help, or other house-servant, any person or persons who is or are suffering from trachoma, active tuberculosis of the lungs, open skin tuberculosis, syphilis, gonorrhea, open external cancer, or barber's itch; and all persons, so employed, who, at the time of the passage of this act, are suffering from any of the said diseases, shall at once be excluded from such employment in such hotel, restaurant, dining-car or other public eating-place.

Section 1, Act of May 28, 1915, P. L. 642.

2. Biennial Medical Inspection of Cooks. When Act Considered Complied With. If any person or persons, firm, corporation or common carrier, operating or conducting a hotel, restaurant, dining-car, or other public eating-place, shall institute and maintain a medical inspection for their cooks, waiters, chamber-maids, kitchen-help, and other house-servants, at intervals of at least twice a year, for the purpose of excluding from such employment persons found to be suffering from any of the diseases mentioned in section one of this act; and shall, thereupon, promptly exclude from such employment any person or persons found to be so suffering, they shall be considered as complying with the provisions of section one of this act, unless: (1) Any person or persons employed in any such capacity after the passage of this act shall have been suffering from any of the diseases mentioned in section one of this act at the time when they were so employed; or unless (2) the diseased condition of such

employee suffering with any of the diseases mentioned in section one of this act is manifest in the interim between such inspections; or unless (3) notice of the diseased condition of any such employee, suffering from any of the diseases mentioned in section one of this act has been served, in writing, upon the owner, operator, or manager of any such hotel, restaurant, dining-car, or other public eating-place by a physician or by the health authorities.

Section 2, Act of May 28, 1915, P. L. 642.

3. Cooks Carrying Typhoid Not to be Employed After Service of Notice. That no person or persons, firm, or corporation, operating or conducting any hotel, restaurant, dining-car, or other public eating-place in this Commonwealth, shall keep in their employ, in any of the several capacities mentioned in section one of this act, any person who is a carrier of typhoid fever, after notice that any person so employed by them is a carrier of typhoid fever has been served, in writing, upon the owner, operator, or manager of any such hotel, restaurant, dining-car, or other public eating-place, by a physician or the health authorities.

Section 3, Act of May 28, 1915, P. L. 642.

4. Dishes, Receptacles and Utensils to be Thoroughly Cleansed. That no person or persons, firm, or corporation operating or conducting any hotel, restaurant, dining-car, or other public eating-place in this Commonwealth, shall furnish to their patrons or customers any dish, or other receptacle or utensil, used in eating or drinking, which has not been thoroughly cleansed since it was used by another individual.

Section 4, Act of May 28, 1915, P. L. 642.

5. Towels in Wash-Rooms to be Laundered After Each Individual Use. That no person or persons, firm, or corporation, operating or conducting any hotel, restaurant, dining-car, or other public eating-place, and having and maintaining in connection therewith any wash-room for public use, or for the use of their patrons or customers, shall furnish in such wash-room any towel, unless such towel be laundered or discarded after each individual use.

Section 4, Act of May 28, 1915, P. L. 642.

6. Use of Common Drinking-Vessels Prohibited. Proviso as to Cleansing Thereof. That no person or persons, firm, or corporation, operating or conducting any hotel, restaurant, dining-car, or other public eating-place, shall furnish, or keep in or about such establishment, at any drinking-fountain or public drinking-place to which the public, or their customers or patrons, have access, any common drinking-vessel for common use: Provided, That this section shall

not preclude the use of vessels which are cleansed by washing with hot water and soap, or are disinfected or destroyed, after each individual use.

Section 6, Act of May 28, 1915, P. L. 642.

7. Penalty for Violation of Act. That any person or persons, firm, or corporation, who shall violate any of the provisions of this act, shall, upon conviction thereof, in a summary proceeding before any justice of the peace or alderman in the county in which the offense was committed, be sentenced to pay a fine of not less than five (\$5) dollars or more than one hundred (\$100) dollars, to be paid to said county, and the costs of prosecution, or to be imprisoned in the county jail for a period of not more than thirty (30) days, or both, at the discretion of the court.

Section 7, Act of May 28, 1915, P. L. 642.

DENTISTS.

(a) Dental Council.

1. Dental Council. Rules and By-Laws. Quorum. Organization. Rules for Examinations. Compensation of Dental Council and Employees. The Dental Council of Pennsylvania shall consist of the Secretary of Internal Affairs, the Commissioner of Health, the Superintendent of Public Instruction, the President of the Pennsylvania State Dental Society, and the Secretary of the Board of Dental Examiners.

The Dental Council may make and adopt for its government, all necessary rules, regulations, and by-laws, and shall locate and maintain an office within this State for the transaction of its business. Three members of the Dental Council, one of whom shall be the President of the Pennsylvania State Dental Society, or the Secretary of the Board of Dental Examiners, shall constitute a quorum for the transaction of business. In case of the absence of the President of the Pennsylvania State Dental Society, he may nominate one of the vice-presidents of that Society as his proxy, with full power to act in his place.

The Dental Council shall elect a president, secretary, and treasurer, whose terms of office shall be for one year, or until their successors shall be elected. The president shall be elected only from the members of the Dental Council.

The Dental Council shall supervise and provide rules, in conformity with the provisions of this act, for the examination of all applicants for license to practice dentistry in this Commonwealth, and shall keep records of their transactions; and a registry of all licenses granted by them, stating the name, age, residence, and qualifications of the person licensed to practice dentistry, and whether qualified

by examination, or otherwise; said registry shall be a public record and accessible as such, and shall be kept at the place provided for the purpose at the Capitol in Harrisburg.

The Dental Council shall receive annually the sum of two thousand dollars, to be paid by the State Treasurer on the warrant of the Auditor General, from which the Dental Council shall pay the salary of its secretary, stenographer, and clerks, postage, and all its other expenses, including mileage, and ten dollars to each member for each day's attendance at regular meetings of the Dental Council.

Section 1, Act of May 7, 1907, P. L. 161.

This act and the Act of July 9, 1897, P. L. 206, *infra*, Sections 9 to 24, inclusive, are in *pari materia*, and the legislative intent is to be gathered from a consideration of both acts. Only such parts of the Act of 1897 are repealed as are inconsistent with the provisions of this act. O'Neil's Case, 34 Pa. C. C. 625.

2. Licenses to Practice Dentistry. Registration of Practitioners. Penalty. Fees. The Dental Council shall have power to grant licenses to practice dentistry in this Commonwealth, to any person who may be duly qualified under the provisions of this act.

Any person may present to the Dental Council a written application for a license to practice dentistry, together with a fee of twenty-five dollars, and with proof that he or she is not less than twenty-one years of age, is of good moral character, and has obtained a competent education, together with a diploma conferring upon him or her the degree of doctor of dental surgery, or other established dental degree, from a reputable educational institution maintaining a three-years' course in dentistry; thereupon the Dental Council may authorize the examination of such person by the State Board of Dental Examiners.

Upon receiving from the Board of Dental Examiners a report of the examination for license of any applicant who shall have been returned as having successfully passed said examination, the Dental Council shall issue to the applicant a license to practice dentistry in the State of Pennsylvania. Every license to practice dentistry, issued pursuant to this act, shall be subscribed by the officers of the Dental Council, and by each dental examiner who reported the applicant as having successfully passed an examination such as is provided by this act, and said license shall be sealed with the seal of the Dental Council of the Commonwealth of Pennsylvania, and shall be recorded in a book to be kept in the office of the Dental Council, and the number of the book and page therein containing said record shall be noted upon said license.

Upon the recommendation of the Board of Dental Examiners, the Dental Council may also issue a license, upon the payment of a fee of twenty-five dollars, to any person who is of good moral character, and who shall furnish proof that he or she has a license to practice

dentistry, granted by the Dental Council or other lawfully constituted authority of any other State or country, where the preliminary and professional education required by law is equal to that provided by the laws of this Commonwealth.

The Dental Council may also license any applicant who has been in the actual, lawful practice of dentistry for not less than ten years, upon the report of the Board of Dental Examiners that, after due investigation or examination, it finds his or her education and professional attainments and experience to be, together fully equal to the requirements for license in this Commonwealth.

The Board of Dental Examiners shall keep a book of registration at the office of the board, in which shall be registered the names and addresses of each person duly qualified under existing laws, or who may hereafter become qualified, to conduct the practice of dentistry in Pennsylvania.

And it shall be the duty of all persons now qualified and engaged in the practice of dentistry, or who shall hereafter be licensed by the Dental Council to engage in such practice, in this Commonwealth, to be registered with the said Board of Dental Examiners as practitioners, on or before the first day of January, one thousand nine hundred sixteen, and thereafter to register with said Board of Dental Examiners, in like manner annually on or before the first day of January of each succeeding year. The form and method of such registration shall be provided for by such Board of Dental Examiners, in such manner as will enable the said Dental Examining Board to carry into effect the purposes of this act.

And the said Board of Dental Examiners shall be entitled to demand, for each annual registration and for the certificate hereinafter provided, a fee not to exceed one dollar, which sum shall accompany the application for such registration.

Upon receiving a proper application for such registration, accompanied by the fee above provided, the said Board of Dental Examiners shall issue its certificate of registration to the applicant for registration, upon which shall be noted the number of the book and the page therein containing the record of such registration; said certificate, together with its renewals, shall be good and sufficient evidence of registration under the provisions of this act.

Any person who shall practice dentistry without having been registered in accordance with the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof in the court of quarter sessions in the county where the offense shall have been committed, shall pay a fine of not less than ten dollars, and not more than one hundred dollars.

Every license issued otherwise than as a result of a written examination shall state the grounds upon which it is granted.

All fees collected by the Dental Council shall be disbursed by the Dental Council, in payment of the expenses of the Board of Dental Examiners: Provided, That any surplus, unexpended at the end of any fiscal year, shall be apportioned among the dental examiners, in the proportion of the number of applicants of license respectively examined by each during said fiscal year.

All fees for registration by this act shall be payable to the Board of Dental Examiners, and the same shall be disbursed by the said board in payment of the expenses of registration: Provided, That any surplus unexpended at the end of any fiscal year shall be used for the enforcement of the provisions of this act.

Section 1, Act of May 3, 1915, P. L. 129, amending Section 2, Act of May 7, 1907, P. L. 161.

3. Board of Dental Examiners. The Board of Dental Examiners of the Commonwealth of Pennsylvania shall consist of six persons, whose term of office shall be for three years, from the first day of September of the year in which they may be appointed.

The Pennsylvania State Dental Society shall have power to nominate from its membership at least double the number of candidates required to fill the vacancies occurring annually in the office of Dental Examiner. Said candidates shall have been engaged in the actual practice of dentistry in this Commonwealth during a period of not less than ten years. The Governor of this Commonwealth shall have power to appoint dental examiners to fill all vacancies, occurring from any cause, only from the candidates nominated as aforesaid. No member of the faculty of a Dental College shall be eligible to appointment as a member of the State Board of Dental Examiners. In the event of failure of the Pennsylvania State Dental Society to nominate candidates, as aforesaid, the Governor shall appoint members in good standing of the said society, without other restrictions. The Governor shall have power to remove any examiner for continued neglect of duty, incompetency, or dishonorable conduct.

The Board of Dental Examiners may make all necessary rules, regulations, and by-laws, concerning the transaction of its business, subject to the approval of the Dental Council; and shall have power to require attendance of persons and papers, and take testimony concerning all matters within its jurisdiction, and the presiding officer of said Board, or of any committee thereof, shall have power to issue subpoenas and administer oaths.

Section 3, Act of May 7, 1907, P. L. 161.

4. Meetings of Board of Dental Examiners. Examination Subjects. Examinations. For the purpose of examining applicants for license, the State Board of Dental Examiners shall hold two stated meetings each and every year; to wit, One in June, and one in December,

The June meetings shall be held simultaneously in Philadelphia and Pittsburgh. The December meetings shall be held simultaneously in Philadelphia and Pittsburgh, or, in the discretion of the Board, may be held in Harrisburg.

Special meetings may be held, the time and place to be fixed by said Board. Due notice of all meetings shall be given. At stated and special meetings a majority of the Board shall constitute a quorum thereof; but the examinations may be conducted by a committee of one or more of the examiners, duly authorized by the said Board.

All candidates for examination for license to practice dentistry in the State of Pennsylvania shall be required to pass an examination, by the State Board of Dental Examiners, upon the following subjects: First, general anatomy and physiology; second, special dental anatomy; third, dental histology; fourth, dental physiology; fifth, chemistry and metallurgy; sixth, materia medica; seventh, dental pathology, bacteriology, and therapeutics; eighth, anaesthesia; ninth, oral surgery; tenth, principles and practice of operative and posthetic dentistry.

Said examination shall be conducted in writing, and shall embrace all the subjects named in this act. Each applicant shall also furnish to the Board of Dental Examiners satisfactory evidence of his or her proficiency in the manipulative procedures of dentistry, either by producing an example of his or her work, with proof of the execution of the same, or by a practical demonstration of his or her skill in the presence of the Examiner. After each stated examination an official report, signed by the president and secretary and each acting member of the said Board of Dental Examiners, stating the examination average of each candidate in each branch, the general average, and the results of the examination, whether successful or unsuccessful, shall be transmitted to the Dental Council. The said report shall embrace all the examination papers, questions, and answers thereto. All such examination papers shall be filed by the Dental Council, at Harrisburg, and kept for reference and inspection for a period of not less than five years.

Section 4, Act of May 7, 1907, P. L. 161.

5. Dentists to Display Names and to Register Licenses. It shall be the duty of every person practicing dentistry within this Commonwealth to display, or cause to be displayed, his or her name, in a conspicuous place at or near the entrance to the office or place where he or she is practicing dentistry; and to keep his or her license and certificate of registration displayed in a conspicuous place where he or she practices, in such manner as to be easily seen and read. Any person practicing dentistry within this Commonwealth, within six months from the passage of this act, shall cause his or her license

to be registered in the office of the prothonotary of the court of common pleas of the county in which such person shall practice dentistry, unless the same has already been registered in said county. Any person who shall neglect to cause his or her license to be registered as herein provided shall be construed to be practicing dentistry without a license: Provided, This act shall not affect the right of any person to practice dentistry, who is entitled to do so under the provisions of an act of Assembly in force, or who shall have conducted the actual, lawful practice of dentistry in this Commonwealth for five years continuously preceding the passage of this act.

Section 1, Act of May 3, 1915, P. L. 219, amending Section 5, Act of May 7, 1907, P. L. 161.

6. Assistants to Dentists. Who are to be Considered Dentists. It shall be unlawful for any person to employ any person as an operator in dental surgery, or practitioner in dentistry, or to cause or permit any person to act as an operator in dental surgery or as a practitioner in dentistry who is not duly qualified and registered as a practitioner in dentistry as provided by law. A person shall be deemed to be engaged in the practice of dentistry within the meaning of this act, who shall treat diseases or lesions of the human teeth or jaws, or perform operations of any kind thereon; or insert any artificial teeth, fixtures, or appliances for the restoration, regulation, or improvement of the dental organs; or who is manager, proprietor, or conductor of a place for performing dental operations; or who for a fee, salary, or other reward, paid or to be paid to himself or another person, performs any of the before-named dental operations; or who uses the word "dentist," "dental surgeon," or other letters or titles, in connection with his name, which in any way represent him as being engaged in the practice of dentistry. This act is not intended to prevent a bona fide student, in regular attendance upon any dental college in this State, from practicing dentistry under the direct supervision of one of his teachers in the regular infirmary of such college, or a legal practitioner of another State making a clinical demonstration before any incorporated dental society, for the purpose of instruction and without remuneration. This act shall not prohibit physicians or surgeons, in the regular practice of their profession, from extracting teeth for the relief of pain, or making applications for such purpose.

Section 1, Act of May 3, 1915, P. L. 219, amending Section 6, Act of May 7, 1907, P. L. 161.

7. Fraudulent and Misleading Statements. It shall be unlawful for any person to circulate or advertise fraudulent or misleading statements as to the skill of the operator, the quality of the materials, drugs or medicine used, or methods practiced.

Section 1, Act of May 3, 1915, P. L. 219, amending Section 7, Act of May 7, 1907, P. L. 161.

8. Penalties. Candidates for Licenses to be Graduates. Any person who shall practice dentistry without being duly licensed, or who shall practice dentistry or induce any person to practice dentistry, in violation of any of the provisions of this act not hereinbefore provided for, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment not exceeding six months, or both fine and imprisonment, at the discretion of the court.

All fines received under this act, from convictions resulting from information instituted at the instance of the Pennsylvania State Dental Society, shall be paid to the said society.

After July first, one thousand nine hundred and twenty-one, the State Board of Dental Examiners shall require that candidates for license for the practice of dentistry in the State of Pennsylvania, shall have been graduated from a dental school maintaining a course of study consisting of four annual sessions each, in separate academic years, and, further, when this provision shall become operative, the State Board of Dental Examiners may examine prospective candidates for license to practice dentistry, in the fundamental branches of the curriculum, at the end of the second year of the four years' course.

Section 1, Act of May 3, 1915, P. L. 219, amending Section 8, Act of May 7, 1907, P. L. 161.

9. Reasons for Passage of Act. Whereas, The health and comfort of the public, and in many instances the lives of individuals, are contingent upon intelligent and competent dental service:

And whereas, Properly educated and efficient practitioners of dentistry are therefore a public necessity;

And whereas, It is expedient to assimilate the laws regulating the practice of dentistry with those now pertaining to the practice of medicine and surgery in this Commonwealth;

Whereas, Clauses to Act of July 9, 1897, P. L. 206.

This Act (Secs. 10 to 24) is largely supplied by the Act of May 7, 1907, P. L. 161. See notes on Section 1, supra.

10. Dental Council Established. There shall be established a dental council of Pennsylvania consisting of the superintendent of public instruction, the president of the state board of health and vital statistics, and the president, for the time being, of the Pennsylvania dental society.

Section 1, Act of July 9, 1897, P. L. 206.

This Section seems to be repealed by Section 1, Act of May 7, 1907, P. L. 161. See supra Section 1 and notes thereto.

11. Name of Council. By-Laws. Absence of President of State Dental Society. The said council shall be known by the name and

style of the dental council of Pennsylvania, and may make and adopt for its government all necessary rules and regulations and by-laws, not inconsistent with the constitution and the laws of this Commonwealth or of the United States, and shall have power to locate and maintain an office within this State for the transaction of business. Two members of the said council, one of whom shall be president of the Pennsylvania state dental society, shall constitute a quorum for the transaction of business. In case of the absence of the president of the Pennsylvania state dental Society from any unavoidable cause, he may nominate in writing one of the vice-presidents of that society to represent him at the meetings of the dental council of Pennsylvania, and the person so nominated shall be entitled to vote at the meetings, and his presence shall be equivalent to that of the president of the Pennsylvania state dental society in constituting a quorum of the said dental council.

Section 2, Act of July 9, 1897, P. L. 206.

This Section seems to be supplied and repealed by Section 1, Act of May 7, 1907, P. L. 161. See *supra* Section 1 and notes thereto.

12. Organization of Dental Council. The said council shall organize at Harrisburg within thirty days from the date of the organization of the board of dental examiners, and shall elect from its own number a president. The secretary of the dental council, who shall also act as treasurer, shall be the secretary and treasurer, for the time being, of the medical council of Pennsylvania. The president and secretary shall hold their offices for one year, or until their successors are chosen.

Section 3, Act of July 9, 1897, P. L. 206.

This Section seems to be supplied and repealed by Section 1, Act of May 7, 1907, P. L. 161. See *supra* Section 1 and notes thereto.

13. Meetings of Dental Council. Duties. The said dental council shall hold two stated meetings in each year, at Harrisburg, and they may hold special meetings at such times and places as they may deem proper. They shall supervise the examinations conducted by the state board of dental examiners of all applicants for license to practice dentistry in this commonwealth, for the purpose of securing the conduct of examinations in harmony with the provisions of this act, and shall issue licenses to practice dentistry to such applicants as have presented satisfactory and proper certified copies of licenses from the state boards of dental examiners, or state board of health of other states as provided for in section twelve of this act.

Section 4, Act of July 9, 1897, P. L. 206.

See Sections 1 and 2, Act of May 7, 1907, P. L. 161, *supra* Sections 1 and 2.

14. Board of Dental Examiners. It is further enacted that from and after the first day of September, Anno Domini one thousand

eight hundred and ninety-seven, there shall be and continue to be a board of dental examiners for the state of Pennsylvania, which shall consist of six members, and each of said members shall serve for a term of three years from the first day of September next after his appointment, with the exception of those first appointed who shall serve as follows, namely: Two for one year, two for two years, and two for three years from the first day of September, Anno Domini one thousand eight hundred and ninety-seven.

The Pennsylvania state dental society may, at its annual meeting in one thousand eight hundred and ninety-seven, and annually thereafter at said meeting, select as nominees the names of double the number of examiners required, who shall be members in good standing of the society, and transmit such names to the governor under its seal and signed by its secretary. From this list of nominees the governor shall, during the month of August, Anno Domini one thousand eight hundred and ninety-seven, appoint a board of dental examiners. In case of failure of the said Pennsylvania state dental society to submit such list, as aforesaid, the governor shall appoint members in good standing of the said society without other restrictions. Each one of the said appointees must be a registered, bona fide, practitioner of dentistry in good standing, and shall have practiced dentistry under the laws of this state for a period of not less than ten years. No member of a dental college faculty shall be eligible to appointment upon the state board of dental examiners, but this shall not apply to membership in the dental council.

The governor shall fill vacancies by death or otherwise for the unexpired term of said examiners from the list of names submitted to him by the dental society, and shall remove any member of said board for continued neglect of the duties required by this act, or on recommendation of the said dental society for incompetency, unprofessional, or dishonorable conduct. The governor shall, in his first appointments, designate the number of years for which each appointee shall serve. The appointment of successors to those members whose term of office will expire on the first day of September of each year, shall be made by the governor during the month of August of such year, upon the same conditions and requirements as hereinbefore specified with reference to the appointment of an examining board.

Section 5, Act of July 9, 1897, P. L. 206.

See Section 3, Act of May 7, 1907, P. L. 161, *supra* Section 3.

15. Powers of Board of Dental Examiners. Said board shall be known by the name and style of board of dental examiners of the state of Pennsylvania. Every person who shall be appointed to serve on said board shall receive a certificate of appointment from the secretary of the commonwealth. Said board shall be authorized to

take testimony concerning all matters within its jurisdiction, and the presiding officer, for the time being of the said board or of any of the committees thereof, may issue subpoenas and administer oaths to witnesses. Said board of examiners shall make and adopt all necessary rules and regulations and by-laws, not inconsistent with the constitution and laws of this state or of the United States, whereby to perform the duties and transact the business required under the provisions of this act. Said rules, regulations and by-laws to be subject to the approval of the dental council of Pennsylvania established by this act.

Section 6, Act of July 9, 1897, P. L. 206.

See Section 3, Act of May 7, 1907, P. L. 161, *supra* Section 3.

16. Expenses of Board of Dental Examiners. Surplus Above Expenses. From the fees provided by this act, the examining board may pay all expenses incurred by its provisions in the conduct of its business as a board, after having apportioned and paid to the dental council a sum not exceeding one hundred dollars (\$100), to liquidate the expenses incident to the conduct of the business of said council; and if any surplus above said expenses shall remain at the end of any year, it shall be apportioned among said examiners, pro rata, according to the number of candidates examined by each, not to exceed five hundred dollars (\$500) to each examiner, and any balance over and above this amount shall be paid into the treasury of the commonwealth.

Section 7, Act of July 9, 1897, P. L. 206.

See Section 2, Act of May 7, 1907, P. L. 161, *supra* Section 2.

17. Meetings of Board of Examiners. Quorum. The first meeting of the said examining board shall be held on the first day of October in one thousand eight hundred and ninety-seven, suitable notice in the usual form being given with the notice of their appointment by the secretary of the commonwealth to each of the members thereof, specifying the time and place of meeting. At the first meeting of the said board an organization shall be effected by the election, from their own membership, of a president and secretary. For the purpose of examining applicants for license, the state board of dental examiners shall hold two or more stated or special meetings each year, due notice of which shall be made public at such time and place as they may determine. At such stated or special meetings a majority of the members of the board shall constitute a quorum thereof, but the examinations may be conducted by a committee of one or more of the examiners duly authorized by said board.

Section 8, Act of July 9, 1897, P. L. 206.

See Section 4, Act of May 7, 1907, P. L. 161, *supra* Section 4.

18. Subjects for Examination. All candidates for license to practice dentistry in the state of Pennsylvania (with the exception of those otherwise provided for in section twelve of this act), shall be required to pass an examination by the state board of dental examiners upon the following subjects:

1. General anatomy and physiology.
2. Special dental anatomy.
3. Dental histology.
4. Dental physiology.
5. Chemistry and metallurgy.
6. Materia medica.
7. Dental pathology, bacteriology and therapeutics.
8. Anesthesia.
9. Oral surgery.
10. Principles and practice of operative and prosthetic dentistry.

Each applicant shall also furnish to the board of dental examiners satisfactory evidence of his or her proficiency in the manipulative procedures of dentistry, either by producing an example of his or her work, duly attested by the demonstrator in charge of the clinic of the college issuing his or her diploma, or by a practical demonstration of his or her skill in the presence of the examining members of the said board.

Section 9, Act of July 9, 1897, P. L. 206.

See Section 4, Act of May 7, 1907, P. L. 161, supra Section 4.

19. Examinations. Said examinations shall be conducted in writing and shall embrace all of the subjects named in section nine of this act. After each examination the board having charge thereof shall, without unnecessary delay, act, upon the same. An official report of such action, signed by the president and secretary and each acting member of the said board of dental examiners, stating the examination average of each candidate in each branch, the general average, and the results of the examination, whether successful or unsuccessful, shall be transmitted to the dental council. The said report shall embrace all the examination papers, questions and answers thereto. All such examination papers shall be filed in the office of the secretary of internal affairs and kept for reference and inspection for a period of not less than five years.

Section 10, Act of July 9, 1897, P. L. 206.

See Section 4, Act of May 7, 1907, P. L. 161, supra Section 4.

20. Licenses to Practice. On receiving from the said board of dental examiners such official report of the examination of any applicant for license, the dental council shall issue forthwith to each applicant who shall have been returned as having successfully passed said examination, a license to practice dentistry in the state of Pennsylvania. Every license to practice dentistry, issued pursu-

ant to this act, shall be subscribed by the officers of the dental council and by each dental examiner who reported the licentiate as having successfully passed said examinations. It shall also have affixed to it by the person authorized to affix the same the seal of this commonwealth, before said license shall be issued.

It shall be recorded in a book to be kept in the office of the dental council, and the number of the book and page therein containing said recorded copy shall be noted upon the face of said license. Said records shall be open to public inspection, under the proper restrictions as to their safe keeping and in all legal proceedings such records and copies or exemplifications thereof, certified by the secretary of the dental council, under seal, shall have the same weight as evidence, that is given to records and certified copies of deeds for the conveyance of land.

Section 11, Act of July 9, 1897, P. L. 206.

See Section 2, Act of May 7, 1907, P. L. 161, *supra* Section 2.

21. Applicants for Examination. On and after the first day of October, one thousand eight hundred and ninety-seven, any person not heretofore authorized to practice dentistry in this state, and desiring to enter upon such practice, may deliver to the secretary of the dental council, upon the payment of a fee of fifteen (\$15.00) dollars, a written application for license, together with satisfactory proof that the applicant is not less than twenty-one years of age, is of good moral character, has obtained a competent common school education, and has received a diploma conferring the degree of doctor of dental surgery, or other recognized dental degree, from a reputable institution of the United States, recognized as of good repute by the board of dental examiners of this state, and legally competent to confer the same, or a diploma, or a license conferring the full right to practice the branches of dentistry in some foreign country. Applicants who have received their degree in dentistry after the first day of October, one thousand eight hundred and ninety-seven, must have pursued the study of dentistry for at least three years, including three regular courses of lectures each extending over a period of at least six months in separate years, in some legally incorporated dental college or colleges, prior to the granting of said diploma or foreign license. Such proof shall be made, if required, upon affidavit. Upon making such payment and proof the dental council, if satisfied with the same, shall issue to such applicant an order for examination before the state board of dental examiners. In case of failure at any such examination, the candidate, after the expiration of six months and within two years, shall have the privilege of a second examination by the said board, without the payment of an additional fee; but for any other subsequent examinations he shall pay the usual fees prescribed in this act.

And it is further provided that applicants examined and licensed by the state board of dental examiners, or state board of health of other states, on payment of a fee of ten (\$10) dollars to the secretary of the dental council, and on filing in the office of the dental council a copy of said license, certified with the affidavit of the president and secretary of such board, showing that the standard of requirements adopted by the said state board of dental examiners or state board of health is substantially the same as provided by sections nine and twelve of this act, shall, without further examinations, receive a license conferring on the holder thereof all the rights and privileges provided by section thirteen and fourteen of this act.

Section 12, Act of July 9, 1897, P. L. 206.

22. Registration with Prothonotary. Penalty. From and after the first day of October, one thousand eight hundred and ninety-seven, it shall not be lawful for any person in the state of Pennsylvania to enter upon the practice of dentistry, unless he or she has complied with the provisions of this act, and has exhibited to the prothonotary of the court of common pleas of the county in which he or she desires to practice dentistry, a license duly granted to him or her as hereinbefore provided; whereupon he or she shall be entitled, upon the payment of one dollar, to be duly registered in the office of the prothonotary of the court of common pleas in the said county; and any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof in the court of quarter sessions of the county wherein the offense has been committed, shall pay a fine of not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars for each offense.

Section 13, Act of July 9, 1897, P. L. 206.

See Section 5, Act of May 7, 1907, P. L. 161, *supra* Section 5.

23. Exemptions from Act. Nothing in this act shall be construed to interfere with or punish physicians or surgeons, in the regular practice of their profession, from extracting teeth for the relief of pain, or making applications for such purpose, or shall interfere with or prevent, bona fide students of dentistry, in the regular course of their instruction from operating upon patients at clinics, or under the immediate supervision and in the presence of their preceptor, who is in lawful practice, provided that no fee, salary or other reward for such operations shall be received, either directly or indirectly, under any circumstances by any student of dentistry. And nothing in this act shall be construed to prohibit the practice of dentistry within this commonwealth by any practitioner who shall have been duly registered in accordance with the laws of this commonwealth existing prior to the passage of this act, and one such registry under

this act shall be sufficient warrant to practice dentistry in any county in this commonwealth.

Section 14, Act of July 9, 1897, P. L. 206.

See Section 6, Act of May 7, 1907, P. L. 161, *supra* Section 6.

24. Disbursements of Money. All disbursements of money, provided for above in this act, shall be made by the secretary of the dental council upon the instructions of the Dental Council, who shall give all such instructions by resolutions in such case adopted by a quorum, as defined in section two of this act.

Section 15, Act of July 9, 1897, P. L. 206.

(b) Bureau of Professional Education.

Preliminary Education of Dentists.

25. Reasons for Passage of Act. Whereas, The methods of determining the preliminary educational qualifications of applicants for the licensure to practice [medicine,] dentistry, [or pharmacy] are unprovided for, and inadequate to the needs and dignity of the Commonwealth of Pennsylvania; and,

Whereas, No properly constituted authority exists for such determination; therefore,

Whereas clause to Act of June 19, 1911, P. L. 1045.

26. Bureau of Professional Education Established. There shall be created a Bureau of Professional Education, as a subdepartment of the Department of Public Instruction, with an office at Harrisburg; and said bureau shall be known as the Bureau of Professional Education of the Department of Public Instruction, and shall be under the immediate direction and supervision of the State Superintendent of Public Instruction.

Section 1, Act of June 19, 1911, P. L. 1045.

27. Employees of Bureau. Compensation of Employees and Superintendent of Public Instruction. The officers and employees of said bureau shall be appointed by the Superintendent of Public Instruction, compensated upon the same basis as other officers and employees of the said Department of Public Instruction, out of an appropriation created therefor. After the expiration of the present term of the present incumbent, the Superintendent of Public Instruction shall receive, as a compensation for extra duties, a sum not exceeding five hundred dollars annually.

Section 2, Act of June 19, 1911, P. L. 1045.

28. Duty of Bureau with Regard to Preliminary Education of Persons to Be Licensed as Dentists. The duty of said bureau shall be the determination, evaluation, standardization and regulation of the preliminary education, both secondary and collegiate, of those to be hereafter admitted to the practice of [medicine,] dentistry, [and

pharmacy] in this Commonwealth; the preparation and distribution of circulars of information; the preparation of uniform blank forms; the holding of examinations at suitable times and places, to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates; the issuing of certificates to those found proficient, directly from the Department of Public Instruction; the establishment of reciprocity with other states as regard preliminary education and professional licenses; the determination and publication of a standard high school course, and the compilation of a list of high schools and other secondary schools of this State conforming to said standard; and the exercising of such power as may be within the right of the Department of Public Education upon the high schools and secondary schools of the State to raise the standard of secondary education. The organization of said bureau shall be under the direction of the Superintendent of Public Instruction: Provided, That nothing in this act shall conflict with the provisions of the statutes of this Commonwealth regulating the practice of [medicine,] dentistry, [or pharmacy,] respectively.

Section 3, Act of June 19, 1911, P. L. 1045.

29. Students from Other States and Foreign Countries. Applicants from other states or foreign countries for admission to schools of [medicine,] dentistry, [or pharmacy,] or for the licensure to practice [medicine,] dentistry, [or pharmacy] within the State of Pennsylvania, who do not hold a diploma from an accredited college, or a certificate of having passed the entrance examination to a first-year course in an accredited college, or satisfactory evidence of having graduated from a high school or secondary school, the standard of which shall be equivalent to the standard adopted by the said Bureau of Professional Education, or satisfactory credentials from accredited secondary schools, shall be subjected to an examination by said bureau, and if successful shall be awarded a certificate, setting forth his or her proficiency, by the said Bureau of Professional Education.

Section 4, Act of June 19, 1911, P. L. 1045.

30. Fees for Certificates of Proficiency and Examinations. A fee of one dollar shall be charged to each applicant for the issuance by the Department of Public Instruction of the certificate of proficiency, to each applicant to whom said certificate shall be issued; and an additional fee of one dollar shall be charged for each examination to be held under the direction of the Superintendent of Public Instruction, by the Bureau of Professional Education, to each applicant for said examination; all moneys received by the said Bureau of Professional Education to be turned into the public treasury.

Section 5, Act of June 19, 1911, P. L. 1045.

(c) **Opium and Coca Leaves and Their Compounds and Derivatives
(Anti-Dope Law).**

See Pharmacists (c).

DETECTIVES.

1. Unlawful to Engage in Detective Business or Advertise Same Unless Licensed. Any person or persons, who shall engage in the business of a detective for hire or reward, or who shall advertise his or their business to be that of a detective, or as conducting a detective agency, without having first obtained a license so to do from the court of quarter sessions of the county wherein the principal office of such detective or such agency is located, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and to suffer imprisonment not exceeding one year.

Section 1, Act of May 23, 1887, P. L. 173.

This act is constitutional: *In Re Richard Armour*, 1 D. R. 620.

2. Courts to License Detectives. Fee. Term of License. Power of Courts to Revoke License. Proof Required to Secure License. Bond. Notice of Application. It shall and may be lawful for the court of quarter sessions, within which the principal office of any person or persons intending to conduct the business of a detective or detective agency shall be located, to issue a license to such person or persons applying therefor for the purposes specified in section one of this act, upon the payment of a fee of twenty-five dollars, for the use of such county, which license shall extend for the period of three years, and shall be revocable at all times by the court of quarter sessions, or any judge thereof, upon cause shown; but no such license shall be granted until satisfactory proof of the competency and integrity of such person or persons shall have been made to the court by petition or otherwise, and until a bond shall have been entered, with approved security, in the sum of two thousand dollars, by such person or persons, conditioned for the faithful and legal performance of his or their duty, such bond shall be taken in the name of the Commonwealth; and any person injured or aggrieved by the illegal act of such person or persons may bring suit on said bond, in the name of the Commonwealth, to his or their use, leave of said court first being had or obtained for the bringing of such suit or suits: Provided, That such application for a license shall be filed in the office of the clerk of such court for the period of two weeks before the granting of such license, and public notice thereof shall be given by advertisement, once a week for two weeks, in a newspaper of general circulation in the county.

Section 2, Act of May 23, 1887, P. L. 173.

An applicant for a detective license must show the necessity therefor: *Bartolemeo's Detective License*, 41 Pa. C. C. 252; *Burnett's Application*, 17 Pa. C. C. 394. But see *Smith's Petition*, 5 D. R. 465.

Satisfactory proof of the competency and integrity of the applicant must be shown: Burnett's Application, 17 Pa. C. C. 394. The words "it shall be lawful" are imperative: Smith's Petition, 5 D. R. 465, but see Dickerson's Petition, 29 Pa. C. C. 270.

3. Power of Licensed Detectives to Serve Warrants. To Whom Act Does Not Apply. Any person or persons, licensed as aforesaid, shall have the power to serve warrants in criminal cases within this Commonwealth: Provided, That this act shall not apply to a county detective or detectives appointed by the Governor of this Commonwealth.

Section 1, Act of May 31, 1901, P. L. 355, amending Section 3, Act of May 23, 1887, P. L. 173.

4. Persons Falsely Representing Themselves as Detectives Guilty of Misdemeanor. That on and after the passage of this act, every person within the Commonwealth of Pennsylvania who falsely represents himself to be, or who falsely assumes to act as a detective [or any elective or appointive officer of the Commonwealth of Pennsylvania, or of any county, municipality, city, borough, township, district or ward within the Commonwealth of Pennsylvania,] shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars, or suffer imprisonment not exceeding two years, or both, or either, at the discretion of the court.

Section 1, Act of May 5, 1897, P. L. 39.

DRIVERS (RAILWAY).

See Conductors (Railway).

ENGINEERS (LOCOMOTIVE).

1. Engineers Not to Block Crossings. Penalty. It shall not be lawful for any railroad company to block up the passage of any crossings of public streets or roads, or obstruct the said crossings, with their locomotives or cars; and if any engineer, [or any member of the train crew, or other agent] of any such railroad company, shall obstruct or block up such crossings, he [or they] shall be subject to a penalty of twenty-five dollars, to be recovered with costs, in the name of the Commonwealth of Pennsylvania, before a justice of the peace; one-half of such penalty shall be paid to the informer or informers, and the remaining half shall be paid into the treasury of the Commonwealth: Provided, That in the event of the said engineer, [or any member of the train crew, or agent] being unable to pay the said penalty, then, and in that case, the said railroad company, employing the said engineer or agent, shall pay the penalty aforesaid.

Section 1, Act of June 9, 1911, P. L. 726, amending Section 1, Act of March 20, 1845, P. L. 191.

2. Reasons for Passage of Act. Whereas, Strikes by locomotive engineers [and other railroad employees,] and the abandonment by them of their engines and trains at points other than their schedule destination, endangers the safety of passengers and subjects shippers of freights to great inconvenience, delay and loss; therefore,

Whereas clause, Act of March 22, 1877, P. L. 14, No. 13.

3. Engineers Not to Abandon Locomotive at Any Point Other Than Place of Schedule or Destination. Penalty. That if any locomotive engineer [or other railroad employee] upon any railroad within this State, engaged in any strike or with a view to incite others to such strike, or in furtherance of any combination or pre-concerted arrangement with any other person to bring about a strike, shall abandon the locomotive engine in his charge, when attached either to a passenger or freight train, at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to continue to discharge his duty, or to proceed with said train to the place of destination, as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months at the discretion of the court.

Section 1, Act of March 22, 1877, P. L. 14, No. 13.

4. Engineers Not to Refuse to Aid in Movement of Cars. Penalty. If any locomotive engineer [or other railroad employee] within this State, for the purpose of furthering the object of or lending aid to any strike or strikes, organized or attempted to be maintained on any other railroad, either within or without this State, shall refuse or neglect, in the course of his employment, to aid in the movement over and upon the tracks of the company employing him, of the cars of such other railroad company, received therefrom in the course of transit, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months at the discretion of the court.

Section 2, Act of March 22, 1877, P. L. 14, No. 13.

5. Persons in Sympathy with Strikes Not to Interfere with Engineers. Penalty. If any person, in aid or furtherance of the objects of any strike upon any railroad, shall interfere with, molest or obstruct any locomotive engineer [or other railroad employee] engaged in the discharge and performance of his duty as such, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Section 3, Act of March 22, 1877, P. L. 14, No. 13.

ENGINEERS (STATIONARY).

(This Chapter does not include provisions relative to engineers employed at mines. These laws may be found in the publications of the Department of Mines.)

(a) In Cities of the First Class.

1. Operators of Steam Engines and Steam Boilers to Be Licensed.

It shall be unlawful for any person or persons to have charge of or to operate a steam boiler or steam engine over ten-horse power, in cities of the first class of this Commonwealth, except locomotive boilers used in transportation, and steam engines and steam boilers carrying less than fifteen pounds pressure per square inch, unless said person or persons are upwards of twenty-one years of age and holds a license, as hereinafter provided for, and it shall be unlawful for any owner or owners, user or users, of any steam boiler or steam engine over ten-horse power, other than those excepted above, to operate or to cause to be operated a steam boiler or steam engine without a duly licensed engineer.

Section 1, Act of April 18, 1899, P. L. 49.

This entire Act was declared unconstitutional in *Chalmers v. Phila.*, 250 Pa. 251, in which it was held that:

"1. In the absence of real and genuine distinctions, classification for purposes of legislation for each class separately is not permitted.

"2. Even though the subject of the legislation is such that separate laws for separate classes are demanded, if the class to which it applies is unnecessarily restricted or improperly selected, still the law is special since a more enlarged class or other objects similar in character should also have had the benefit of its remedial force.

"3. The Act of April 18, 1899, P. L. 49, which provides for the examination and licensing of engineers having charge of steam boilers, steam engines and appliances connected therewith, in cities of the first class, and excluding from its operation persons having charge of or operating steam boilers, or steam engines under 10 horsepower locomotive boilers used in transportation and steam engines and steam boilers carrying less than fifteen pounds pressure per square inch, is local and special legislation in violation of Article III, Section 7, of the Constitution of Pennsylvania, and is null and void."

2. Examination and Licensing of Engineers. All persons desiring authority to perform the duties of an engineer shall apply to the boiler inspector of such cities, who shall examine the applicant as to his knowledge of steam machinery and his experience in operating the same, also the proofs he produces in support of his claim, and if, upon full consideration, the inspector is satisfied that the applicant's character, habits of life, knowledge, and experience in the duties of an engineer, are all such as to authorize the belief that he is a suitable and safe person to be entrusted with the powers and duties of such a station, he shall grant him a license, upon the payment of three (3) dollars, authorizing him to be employed in

such duties for the term of one year, and such license shall be annually renewed, without examination, upon the payment of one (1) dollar, provided it is presented for renewal within ten days after its expiration. Licenses so granted shall be graded into two classes: One of which shall entitle the licensee to have charge of or to operate stationary steam boilers and steam engines only, the other of which shall entitle the licensee to have charge of or to operate portable steam boilers and steam engines only; such licenses shall not be transferred from one grade to the other without a re-examination, said re-examination to be conducted without cost to the licensee.

No person shall be eligible for examination for a license unless he furnishes proof that he has been employed about a steam boiler or steam engine for a period of not less than two years prior to the date of application, which must be certified to by at least one employer and two licensed engineers.

Section 1, Act of March 10, 1903, P. L. 21, amending Section 2, Act of April 18, 1899, P. L. 49.

3. Powers and Duties of Inspectors. Suspension and Revocation of Licenses. The inspector shall investigate all acts of incompetency or misconduct committed by any licensed engineer while acting under the authority of his license, and shall have power to summon before him any witnesses within his respective city, and compel their attendance by a similar process as used in the State courts to compel the attendance of witnesses, and he may administer all necessary oaths to any witnesses thus summoned before him, and after reasonable notice in writing, given to the alleged delinquent, of the time and place of such investigation, such witnesses shall be examined under oath, touching the performance of his duties by any such licensed engineer, and if the inspector shall be satisfied that such licensed engineer is incompetent or has been guilty of misdemeanor, or negligence, unskillfulness, or has endangered life, or wholly violated any provision of this law, he shall immediately suspend or revoke his license, as the facts of the case may require.

Section 3, Act of April 18, 1899, P. L. 49.

4. Engineers to Take Oath. Every engineer who receives a license shall, before entering upon his duties, make oath before the inspector, to be recorded with the application, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

Section 4, Act of April 18, 1899, P. L. 49.

5. Engineers to Display License. Penalty. Every engineer who shall receive a license shall, when employed about any steam plant, place his certificate of license, which shall be framed under glass,

in some conspicuous place about the engine or boiler, where it can be seen at all times, and any neglect to comply with this provision by any such engineer, shall be deemed a misdemeanor, and on conviction thereof he shall be subject to a fine of not exceeding one hundred dollars, or the revocation of his license, or both, in the discretion of the court.

Section 5, Act of April 18, 1899, P. L. 49.

6. Engineers to Assist Inspectors in Examination of Boilers. All engineers licensed under the provisions of this law shall assist the inspector in his examination of any boiler under his charge, and shall point out all defects and imperfections known to them in the boilers or machinery, and, in default thereof, the license of any such engineer or engineers, so neglecting or refraining, shall be revoked by the inspector.

Section 6, Act of April 18, 1899, P. L. 49.

7. Certain Engineers to be Licensed Without Examination. Every person who has been employed as a steam engineer, in the city in which he applies for a license, for a period of four years next prior to the passage of this act, and who files with his application a certificate of said fact, under oath, accompanied by a statement from his employer or employers verifying the same, shall be entitled to a license without further examination.

Section 7, Act of April 18, 1899, P. L. 49.

8. Engineers to Examine Boilers and Machinery. It shall be the duty of an engineer when he assumes charge of boilers and machinery to forthwith thoroughly examine the same, and if he finds any part thereof in bad condition, caused by neglect or inattention on the part of his predecessor, he shall immediately report the facts to the inspector, who shall thereupon investigate the matter, and if the former engineer has been culpably derelict of duty he shall suspend or revoke his license.

Section 8, Act of April 18, 1899, P. L. 49.

9. Engineers to Notify Inspector when Vacating Positions. It shall be the duty of every licensed engineer when he vacates a position as engineer to notify the boiler inspector of such fact, and any failure to comply with this provision shall be punishable by a suspension of the license for such period or periods as the boiler inspector may determine.

Section 9, Act of April 18, 1899, P. L. 49

10. Owners not to Delegate Powers of Engineer to Other Persons. Penalty. Exception. Every owner, or lessee, or agent of the owner, or lessee of any steam boiler or steam engine over ten horse power, embraced within the provisions of this act, or any appliances connected therewith, and every person acting for such owner, lessee or

agent is hereby forbidden to delegate or transfer, in any manner whatsoever, the responsibility and liability for the management or operation, or the maintenance in good condition and repair, of any such steam boiler or steam engine, or appliances connected therewith, to any person or persons other than the licensed engineer in charge thereof, as shown by compliance with section two of this act, and any violation of the provision of this section shall be deemed to be a misdemeanor, to be punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment not exceeding three months, or both at the discretion of the court: Provided, however, That on the purchase or agreement to purchase a new steam boiler or steam engine over ten horse power, or appliances connected therewith, the builder or builders thereof may contract or agree with the purchaser or purchasers to accept said responsibility, for a period not to exceed sixty days; provided, that there is to be a licensed engineer in attendance thereon.

Section 10, Act of April 18, 1899, P. L. 49.

11. Fees to be Paid into City Treasury. All fees received under this act shall be paid into the treasury of the city wherein the license is granted.

Section 11, Act of April 18, 1899, P. L. 49.

12. Penalty for Violating Section One of Act. Any violation of the provisions of section one of this act, shall be deemed to be a misdemeanor, to be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or both, at the discretion of the court.

Section 12, Act of April 18, 1899, P. L. 49.

13. Penalty on Officers for Failure to Perform Duties. Any officer charged with a duty under the provision of this act who shall fail to discharge the same or comply with the requirements thereof, shall, upon conviction be punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or both, at the discretion of the court.

Section 13, Act of April 18, 1899, P. L. 49.

(b) In Cities of the Second and Third Classes.

14. Operators of Steam Engines and Steam Boilers to be Licensed. It shall be unlawful for any person or persons to have charge of or to operate a steam-boiler or steam-engine over ten horsepower, in cities of the second and third class of this Commonwealth, except locomotive boilers, used in transportation, and steam-engines and steam-boilers, carrying less than fifteen pounds pressure per square inch, unless said person or persons are upwards of twenty-one years of age, and holds a license, as hereinafter provided for; and it shall

be unlawful for any owner or owners, user or users, of any steam-boiler or steam-engine over ten-horsepower, other than those excepted above, to operate or cause to be operated a steam-boiler or steam-engine without a duly licensed engineer.

Section 1, Act of April 4, 1905, P. L. 102.

Following the principles laid down in the case of *Chalmers v. Phila.*, 250 Pa. 251, it would seem that this act is unconstitutional: See notes to Section 1 *supra*.

15. Examination and Licensing of Engineers. All persons desiring authority to perform the duties of an engineer shall apply to the boiler inspector of such cities, who shall examine the applicant as to his knowledge of steam machinery and his experience in operating the same, also the proofs he produces in support of his claim, and if, upon full consideration, the inspector is satisfied that the applicant's character, habits of life, knowledge and experience in the duties of an engineer, are all such as to authorize the belief that he is a suitable and safe person to be entrusted with the powers and duties of such a station, he shall grant him a license, upon the payment of three dollars, authorizing him to be employed in such duties for the term of one year, and such license shall be annually renewed, without examination, upon the payment of one (1) dollar, provided it is presented for renewal within ten days after its expiration. Licenses so granted shall be graded into two classes: One of which shall entitle the licensee to have charge of or to operate stationary steam-boilers and steam-engines only; the other of which shall entitle the licensee to have charge of or to operate portable steam-boilers and steam-engines only; such licenses shall not be transferred from one grade to the other without a re-examination, said re-examination to be conducted without cost to the licensee.

No person shall be eligible to examination for a license unless he furnishes proof that he has been employed about a steam-boiler or steam-engine for a period of not less than two years, prior to the date of application, which must be certified to by at least one employer and two licensed engineers.

Section 2, Act of April 4, 1905, P. L. 102.

16. Powers and Duties of Boiler Inspector. The inspector shall investigate all acts of incompetency or misconduct committed by any licensed engineer while acting under the authority of his license, and shall have power to summon before him any witnesses within his respective city, and compel their attendance by a similar process as used in the State courts to compel the attendance of witnesses; and he may administer all necessary oaths to any witnesses thus summoned before him, and, after reasonable notice in writing, given to the alleged delinquent, of the time and place of such investigation, such witnesses shall be examined, under oath, touching the per-

formance of his duties by any such licensed engineer, and if the inspector shall be satisfied that such licensed engineer is incompetent, or has been guilty of misdemeanor, negligence, unskilfulness, or has endangered life, or wilfully violated any provision of this law, he shall immediately suspend or revoke his license, as the facts of the case may require.

Section 3, Act of April 4, 1905, P. L. 102.

17. Engineer to Take Oath. Every engineer who receives a license shall, before entering upon his duties, make oath before the inspector, to be recorded with the application, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

Section 4, Act of April 4, 1905, P. L. 102.

18. Engineers to Display License. Penalty. Every engineer who shall receive a license shall, when employed about any steam-plant, place his certificate of license, which shall be framed under glass, in some conspicuous place about the engine or boiler, where it can be seen at all times; and any neglect to comply with this provision by any engineer shall be deemed a misdemeanor, and, upon conviction thereof, he shall be subject to a fine of not exceeding one hundred dollars, or the revocation of his license, or both, in the discretion of the court.

Section 5, Act of April 4, 1905, P. L. 102.

19. Engineers to Assist Inspectors. Revocation of Licenses. All engineers licensed under the provisions of this law shall assist the inspector in his examination of any boiler under his charge, and shall point out all defects and imperfections known to them in the boilers or machinery, and, in default thereof, the license of any such engineer or engineers, so neglecting or refraining, shall be revoked by the inspector.

Section 6, Act of April 4, 1905, P. L. 102.

20. Certain Engineers Exempted from Examination. Every person who has been employed as a steam engineer in the city in which he applies for a license, for a period of four years next prior to the passage of this act, and who files with his application a certificate of said fact, under oath, accompanied by a statement from his employer or employers verifying the same, shall be entitled to a license without further examination.

Section 7, Act of April 4, 1905, P. L. 102.

21. Engineers to Examine Boilers When Assuming Charge. It shall be the duty of an engineer, when he assumes charge of boilers and machinery, to forthwith thoroughly examine the same, and if he finds any part thereof in bad condition, caused by neglect or inattention on the part of his predecessor, he shall immediately re-

port the facts to the inspector, who shall thereupon investigate the matter, and if the former engineer has been culpably derelict of duty he shall suspend or revoke his license.

Section 8, Act of April 4, 1905, P. L. 102.

22. Engineers to Give Notice When Vacating Position. Suspension of License. It shall be the duty of every licensed engineer, when he vacates a position as engineer, to notify the boiler inspector of such fact, and any failure to comply with this provision shall be punishable by a suspension of the license for such period or periods as the boiler inspector may determine.

Section 9, Act of April 4, 1905, P. L. 102.

23. Owners not to Delegate Responsibility to any but Licensed Engineer. Penalty. Exceptions. Every owner or lessee, or agent of the owner or lessee, of any steam-boiler or steam-engine over ten-horsepower, embraced within the provisions of this act, or any appliances connected therewith and every person acting for such owner, lessee or agent, is hereby forbidden to delegate or transfer, in any manner whatever, the responsibility or liability for the management or operation, or the maintenance in good condition and repair, of any such steam-boiler or steam-engine, or appliances connected therewith, to any person or persons other than a licensed engineer in charge thereof, as shown by compliance with section two of this act; and any violation of the provisions of this section shall be deemed to be a misdemeanor, to be punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment not exceeding three months, or both at the discretion of the Court: Provided, however, That on the purchase, or agreement to purchase, a new steam-boiler or steam-engine over ten-horsepower, or appliances connected therewith, the builder or builders thereof may contract or agree with the purchaser or purchasers to accept said responsibility for a period not to exceed sixty days; provided that there is to be a licensed engineer in attendance thereon.

Section 10, Act of April 4, 1905, P. L. 102.

24. Fees to be Paid into City Treasury. All fees received under this act shall be paid into the treasury of the city wherein the license is granted.

Section 11, Act of April 4, 1905, P. L. 102.

25. Penalty for Violating Section One. Any violation of the provisions of section one of this act shall be deemed a misdemeanor, to be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or both, at the discretion of the court.

Section 12, Act of April 4, 1905, P. L. 102.

26. Penalty on Officers for Failure to Perform Duties. Any officer charged with a duty under the provisions of this act, who shall fail to discharge the same or comply with the requirements thereof, shall, upon conviction, be punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or both, at the discretion of the court.

Section 13, Act of April 4, 1905, P. L. 102.

27. Cities to Adopt Ordinances. Each city of the second and third classes shall, by ordinance, provide for carrying into effect the provisions of this act.

Section 1, Act of May 16, 1913, P. L. 216, amending Section 14, Act of April 4, 1905, P. L. 216.

(c) On Vessels used in Inland Navigation.

28. Engineers on Vessels to be Examined and Licensed. Every person employed as a [master, pilot or] engineer on board of a vessel, propelled by machinery, carrying passengers for hire, shall be examined by the inspector as to his qualifications; and, if satisfied therewith, he shall grant him a license, for the term of one year, for such boat, boats or class of boats as said inspector may specify in such license. (Such examination shall be a practical and not a theoretical examination, and such as will show fitness for the duties or work required.) In a proper case, the license may, permit, and specify, that the master may act as [a pilot, and in case of small vessels, as] engineer [and pilot]. The license shall be framed under glass, and posted in some conspicuous place on the vessel on which he may act. Whoever acts as [master, pilot or] engineer, without having first received such license, or upon a boat or class of boats not specified in his license, shall be liable to a penalty of fifty dollars each day he so acts, except as in this act otherwise specified; and such license may be revoked by the inspector for intemperance, incompetency, or wilful violation of duty.

Section 12, Act of April 15, 1903, P. L. 201, No. 147.

The vessels referred to in this section are such as are used in navigation upon inland lakes. The inspector who examines is an inspector of the Department of Labor and Industry.

29. Engineers on Vessels not to Allow Unsafe Quantity of Steam to be Created. Penalty. No [master,] engineer [or other person,] having charge of the boiler or apparatus for the generation of steam of any vessel, shall create or allow to be created an undue or unsafe quantity of steam, in order to increase the speed of such steamboat or to excel another in speed. Any person violating the provisions of this section shall forfeit to the people of the Commonwealth the sum of two hundred dollars for every such violation.

Section 14, Act of April 15, 1903, P. L. 201, No. 147.

FACTORS.

See Commission Merchants.

FARMERS.

1. **Cities not to Collect License Fees from Farmers.** After the passage of this act it shall be unlawful for any [borough or] city of this Commonwealth to levy or collect any money or tax, as a license fee, from any farmer who sells his own products in or about the streets of any [borough or] city of this Commonwealth.

Section 1, Act of April 22, 1903, P. L. 258.

This act was repealed so far as it related to boroughs by the Act of May 14, 1915, P. L. 312.

2. **Farmers not to Pay Mercantile Tax in First Class Cities.** Farmers selling their own produce or occupying a stall or stalls, or sidewalk or part thereof, in any of the markets of a city of the first class, shall not be subject to classification or taxation for mercantile purposes.

Section 5, Act of April 18, 1878, P. L. 26.

3. **Farmers Permitted to Peddle Produce in Cities of the Second and Third Classes.** No person or persons shall be employed, engaged or concerned in the business or employment of hawking, peddling or selling produce or merchandise, or either of them, within the limits of any city of the second or third classes, within this Commonwealth, without previously having taken out a license; and if any person or persons shall go from house to house within the limits of such cities to sell or offer or expose for sale such articles or any of them, without having paid such sum or sums as may be fixed by ordinance of councils of such cities into the treasury thereof, and received a license therefor, the person or persons so offending shall forfeit and pay, for each and every offence, the sum of fifty dollars, to be recovered summarily before the mayor of such city wherein the offence shall have been committed: Provided, however, That nothing herein contained shall be construed so as to prohibit farmers, gardeners or dairymen from selling the products of their own farms, gardens or dairies.

Section 1, Act of June 10, 1881, P. L. 109.

4. **Boroughs not to Impose License Fee on Farmers.** It shall be unlawful for any borough to levy or collect any license fee from any farmer who sells his own product in or about the streets of any borough.

Section 9, Article XX, Chapter VI, Act of May 14, 1915, P. L. 312.

FORTUNE TELLERS.

1. Penalty for Predicting Future Events for Gain or Lucre. Any person who shall pretend, for gain or lucre, to predict future events, by cards, tokens, the inspection of the head, or hands of any person, or by any one's age, or by consulting the movements of the heavenly bodies; or who shall, for gain or lucre, pretend to effect any purpose by spells, charms, necromancy or incantation, shall be guilty of a misdemeanor, punishable by any court of quarter sessions in this commonwealth with fine and imprisonment, or both, or either, at the discretion of the court; the first offence shall be punished with not more than two years imprisonment, nor less than fifteen days, and a fine of not more than one hundred, nor less than ten dollars; the second offence with any term of imprisonment and fine, not exceeding five years or five hundred dollars, as the court may deem proper.

Section 1, Act of April 8, 1861, P. L. 270.

2. Penalty for Fortune Telling for Lucre or Gain. Whosoever shall pretend, for lucre or gain, to tell fortunes or foretell future events, by other means than those aforesaid, shall be guilty of a misdemeanor, to be prosecuted as offences against public law are now prosecuted in this commonwealth, and to be punished as is provided in section first of this act.

Section 2, Act of April 8, 1861, P. L. 270.

3. Publications to be Used as Evidence. If any person or persons shall publish, by card or circular, sign, newspaper or any other means whatsoever that he or she shall or will predict future events, the said publication may be given in evidence to sustain an indictment under the first and second sections of this act.

Section 3, Act of April 8, 1861, P. L. 270.

4. Persons Qualified as Witnesses. Any person whose fortune may have been told as aforesaid, shall be a competent witness against all persons charged with any violation of the provisions of this act.

Section 4, Act of April 4, 1861, P. L. 270.

5. Penalty for Advising the Taking or Administering of Love Powders or Potions. Any person or persons who shall advise the taking or administering of what are commonly called love powders or potions, or who shall prepare the same, to be taken or administered, shall be guilty of a misdemeanor, and shall be punished as is provided in section one of this act.

Section 5, Act of April 4, 1861, P. L. 270.

6. Penalty for Various Offences in the Nature of Fortune Telling. Witnesses. Any person or persons who shall pretend, for lucre or gain, to enable any one to get or to recover stolen property, or to tell where lost articles or animals are, or to stop bad luck, or to

give good luck, or to put bad luck on any person or animals, or to stop or injure the business of any person, or to injure the health of any person, or to shorten the life of any person, or to give success in business, enterprise, speculation, lottery, lottery numbers or games of chance, or win the affections of any person whatever, for marriage or seduction, or to make one person marry another, or to induce any person to alter or make a will in favor or against any one, or to tell the place where treasure, property, money or valuables are hid, or to tell the place where to dig or search for gold, metals, hidden treasure or any other article, or to make one person dispose of property, business or any valuable thing in favor of another, shall be guilty of a misdemeanor, punishable, under the provisions of this act, in any court of quarter sessions, and the party or parties who may have consulted such persons as have pretended to do any of the acts aforesaid, shall be competent witnesses in all proceedings for a breach or breaches of this act.

Section 6, Act of April 8, 1861, P. L. 270.

HAWKERS AND PEDDLERS.

The legislation on the subject of Hawkers and Peddlers is very confusing. This is especially true of the acts relating to the licensing of such persons by the court of quarter sessions. The acts of March 30, 1784; March 28, 1799; April 2, 1830; April 16, 1840, and May 5, 1841, contain overlapping provisions and it is difficult to ascertain just which of the provisions of the earlier acts are in force. A careful reading of the opinion of Justice Williams appended to Section 12 will aid the reader in harmonizing some of these apparently inconsistent provisions. All of the above cited acts will be found quoted at length under subdivision (a) of this subject.

(a) Licensing of Hawkers and Peddlers by Courts of Quarter Sessions.

1. **Reasons for Passage of Act.** Whereas many idle and vagrant persons may come into this state, and under pretence of being hawkers or pedlars, may greatly impose upon many persons in the quality and price of goods, and also may commit felonies and other misdemeanors: For preventing such inconveniences and evil practices, and to the intent that no persons may be admitted to follow the business of hawkers or pedlars within this state, but those who are of known honesty and civil behavior.

Section I, Act of March 30, 1784, 2 Sm. L. 99.

2. **Hawkers and Peddlers to be Licensed.** That, from and after the passing of this act, no person whatever shall follow or employ him, her or themselves, in the business or employment of a hawker, pedlar, or petty chapman, within this state, until such persons [shall have obtained a recommendation from the Justices of the county court where he or she dwells, certifying their opinion of the honesty

of the person recommended, and that he or she intends to travel with one or more horse or horses, or other beasts of burthen, or on foot, and thereupon] shall have obtained a license [from the President or Vice-President of the Supreme Executive Council of this state, and shall have given bond in the Prothonotary's office of the said county court, to the said President or Vice-President, him or herself in the sum of one hundred pounds, and two freeholders sureties in the sum of fifty pounds each, conditioned, that such person shall be of good behavior, during the continuance of said license, which license shall continue for one whole year; and for which license there shall be paid, for the support of government, the sum of five pounds, by every person obtaining a license to travel with a horse or other beast of burthen, and the sum of forty-five shillings, for every person licensed to travel on foot].

Section 2, Act of March 30, 1784, 2 Sm. L. 99.

Part of this Section is still in force; see notes to Section 12 infra.

As to the power to grant licenses, the amount of the license fee, and the bond, see Section 5 infra.

3. Disabled Citizens only to be Licensed as Hawkers and Peddlers. That from and after the passing of this act, no person shall be licensed as a hawker, pedlar or petty chapman, within this state, but such only who is a citizen of the United States, and who, from age, loss of limb, or other bodily infirmity, shall be disabled from procuring a livelihood by labour, which disability shall be proven by certificate or certificates from one or more physicians of respectable character.

Section 1, Act of March 28, 1799, 3 Sm. L. 359.

See notes to Section 12 infra.

4. Peddlers not to be Licensed Except upon Evidence of two Physicians as to Disability. That no person shall be licensed as a hawker or pedlar, under the several acts of assembly now in force, unless he shall have resided at least one year in the county in which such application shall be made, and shall produce satisfactory evidence, on oath, from at least two respectable practising physicians, who shall be citizens of the united residents in such county, that such applicant is, in point of fact, by reason of bodily disability; the nature and character of which shall be stated, unable to procure a livelihood at his trade, if he have any, or by bodily labor.

Section 7, Act of May 5, 1841, P. L. 342.

See notes to Section 12 infra.

4a. Disabled Citizens only to be Licensed as Hawkers and Peddlers. That no person shall be licensed as Hawker and Pedler, or petty chapman, within this state, but such only as is a citizen of the United States, and who from loss of limb or other bodily infirmity shall be disabled from procuring a livelihood by labour, which disability shall be proven by certificate or certificates from two physi-

cians of respectable character, under oath, residing in the county where the application for license is made; and no license hereafter granted shall extend farther than the county in which such license may have been granted, except wholesale peddlers, whose license shall extend throughout this state, for which they shall pay for the use of the commonwealth, for a license to travel with one horse and waggon or other vehicle, forty dollars; with two horses and waggon, or other vehicle, fifty dollars.

Section 1, Act of April 16, 1840, P. L. 433.

See notes to Section 12 *infra*.

The license fee for a peddler traveling on foot is fixed by Section 5 *infra*.

5. Hawkers and Peddlers to be Licensed by Court of Quarter Sessions. License Fees. Foreign Goods to be Peddled in Certain Districts. Auditor General to Publish List of Licensees. That hereafter the courts of quarter sessions of the respective counties in this commonwealth, or two judges of said courts in vacation, be and they are hereby authorized to issue a license to any applicant who shall bring himself within the provisions of the act passed the thirtieth day of March, one thousand seven hundred and eighty-four, entitled "An act for regulating of hawkers and pedlars," and the supplement thereto, passed the twenty-eighth day of March, one thousand seven hundred and ninety-nine, and who shall give bond to the commonwealth of Pennsylvania, with sureties, to be approved of by the court, in the sum of three hundred dollars, conditioned that such applicant shall be of good behavior during the continuance of such license, which shall be for one year, and the said applicant shall satisfy the court that he is a man of honesty and good moral character, and otherwise bring himself within the provisions of said acts: Provided, That before any such license shall issue to any such applicant, he shall pay for the use of this commonwealth, for a license to travel on foot eight dollars; [with one horse and cart or wagon or other vehicle, sixteen dollars; with two horses and wagon or other vehicle, twenty-five dollars], and produce a receipt from the county treasurer, together with the usual fees to the clerk for similar services; and the clerks of said courts respectively shall within ten days after each term, transmit to the Auditor General a list of the names of persons to whom licenses have been granted at the preceding term, and the rates thereof: Provided, That no person licensed for the purpose aforesaid, shall be permitted to sell, vend or expose for sale any foreign or domestic goods, wares or merchandise, in any private or public house, or in any of the open streets, lanes or alleys, or in any other part or place of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, Moyamensing, and Passyunk, under the penalty of fifty dollars, to be recovered by any person who shall sue for the same, as debts

of like amount are by law recoverable: And provided further, That it shall be the duty of the Auditor General to publish once a year the names of all persons who shall take out a license as aforesaid, in at least three papers within this commonwealth for three successive weeks.

Section 1, Act of April 2, 1830, P. L. 147.

See notes to section 10 *infra*.

For the amount of the license fee for peddlers traveling with horses, see *supra* Section 4a.

6. Penalty for Hawking or Peddling Without License. That, if any person, not being qualified as aforesaid, shall be found hawking, peddling, or travelling from place to place, through any part of this state, to sell goods, or who shall expose to sale any foreign goods, wares or merchandise, in any of the open streets of the city and suburbs of Philadelphia, or in any of the open streets in any of the county towns, within this state, he or she, so offending, shall forfeit the sum of ten pounds one moiety whereof to this state, for the support of government, and the other moiety to the person who sues for the same, to be recovered by action of debt, bill, plaint or information, in any court of record within this state.

Section 3, Act of March 30, 1784, 2 Sm. L. 99.

See notes to Section 12 *infra*.

The qualifications referred to in this section would be those imposed by Section 2 *supra*, which do not seem to be in force.

See also Section 9 *infra*.

7. Penalty Against Peddling by Persons Not Qualified or who Fail to Produce License upon Demand. That if any person, not being licensed as aforesaid (except such whose licenses may not yet be expired) shall be found hawking, peddling or traveling from place to place, through any part of the state, to sell or expose for sale any foreign goods, wares or merchandises every person so offending against this act shall be liable to a fine of fifty dollars; or, being so qualified, shall refuse, upon the request of any citizen of this state, to show his license, every person so offending shall be liable to a fine of twenty dollars; or if any person having a license shall lend or otherwise dispose of the same to any other person, the person so lending, and the person so receiving the same, shall be liable to a fine of fifty dollars, respectively, which fines shall be recovered and applied, as by the act to which this is a supplement is directed and provided.

Section 2, Act of March 28, 1799, 3 Sm. L. 359.

See notes to Section 12 *infra*.

8. Penalty for Peddling Without License or for Failure to Produce License Upon Request. And if any person not being licensed as aforesaid, except such whose licenses have or may not yet be expired, shall be found hawking, peddling, or traveling from place to place,

through any part of this State to sell, or expose for sale, any foreign or domestic goods, wares or merchandise, every person so offending against this act shall be liable to a fine of fifty dollars, or being so qualified by the license, shall refuse on request of any citizen of this State to show his license, every person so offending shall be liable to a fine of twenty dollars, to be recovered and applied in the same manner as is provided for by the act for regulating hawkers and pedlers and its several supplements, passed the thirtieth day of March, one thousand seven hundred and eighty-four: Provided, That this act shall not be construed to prevent citizens of this Commonwealth from hawking and peddling goods of their own manufacture, by themselves or through their authorized agents.

Section 1, Act of May 9, 1889, P. L. 150, amending Section 2, Act of April 16, 1840, P. L. 433.

See notes to Section 12 *infra*.

9. Licensed Citizens not to Peddle Foreign Goods in Certain Districts. That no person, licensed for the purpose aforesaid, shall be permitted to sell, vend, or expose for sale, any foreign goods, wares or merchandise, in any private or public house, or in any of the open streets, lanes or alleys, or in any other part or place of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, Moyamensing, or Passyunk, or any of the corporate or county towns of this state, under the penalty of fifty dollars, to be recovered and applied as before mentioned.

Section 3, Act of March 28, 1799, 3 Sm. L. 359.

See notes to Section 12 *infra*.

See *supra* Section 6.

10. Sales Which are not Prohibited. Penalty for Failure to Produce License Upon Demand. That nothing herein contained shall extend, or be construed to extend, to hinder any person or persons from selling or exposing to sale, any sort of goods, wares or merchandise, in any public market or fair within this state, at any other time or times than is or are appointed by law for holding the same, or to hinder any person or persons from carrying about, from town to town, and from house to house, any goods, wares or merchandise, being of the growth, product or manufacture of this state, but that such person or persons may do therein as they lawfully might have done before the making of this act, anything herein contained to the contrary notwithstanding. And if any person hawking, peddling or traveling, as aforesaid, except as before is excepted, shall refuse to produce and shew his or her license to any civil officer upon demand, such person shall forfeit and pay the sum of twenty shillings, for the uses aforesaid, to be recovered before any Justice of the peace, as debts under forty shillings are now recoverable.

Section 4, Act of March 30, 1784, 2 Sm. L. 99.

See notes to Section 12 *infra*.

This Section should be read in connection with Sections 2 and 6 *supra*.

11. Construction of Preceding Sections. That the true intent and meaning of the proviso in this act contained is, and the same shall be so taken and construed that no person whatever, whether he or she be qualified according to this act or not, shall expose to sale in any of the public market places, within the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, or any of the county towns or boroughs within this state, or in the open streets or highways thereof, except at the times appointed by law, for holding fairs therein, any goods, wares or merchandise, other than the growth, produce, and manufacture of this or the adjoining states, under the penalty of ten pounds, to be recovered in the manner, and for the uses, in this act contained.

Section 5, Act of March 30, 1784, 2 Sm. L. 99.

See notes to Section 12 *infra*.

This Section is explanatory of Section 10 *supra*.

12. Penalty for Selling Foreign Goods. Persons Permitted to Peddle Their own Manufacture. That no person or persons, either with or without license, shall sell or expose to sale any foreign or domestic goods, wares or merchandise, as a hawker or pedlar or travelling merchant, by public auction or outcry, in any part of this Commonwealth under the penalty of fifty dollars for each and every offence; and all forfeitures that may accrue under this act, or the acts to which this is a further supplement, may be sued for and recovered by action of debt, before any alderman or justice of the peace, as debts of like amount are by law recoverable, by any person who may sue for the same, one-half to the informer and the other half to the use of the county in which the offence may have been committed; and so much of the acts to which this is a further supplement as is by this act altered or supplied, be and the same is hereby repealed: Provided nevertheless, That nothing contained in this act shall prohibit the citizens of this Commonwealth, who may manufacture goods, wares or merchandise within this Commonwealth, from vending or exposing the same to sale in the same manner as if said act had not been passed into a law.

Section 2, Act of April 2, 1830, P. L. 147.

In *Com. v. Brinton*, 132 Pa. 69, Justice Williams discusses the several acts with regard to the licensing of hawkers and peddlers, and holds that parts of the earlier acts are still in force. This opinion is as follows:

"Our legislation on this subject (hawkers and peddlers) may be said to begin with the Act of March 30, 1784, which quaintly asserts that 'many idle and vagrant persons may come into this state, and, under pretence of being hawkers or peddlers, may greatly impose upon many

persons, * * * and also may commit felonies and other misdemeanors,' and which then proceeds to declare, by way of remedy, that 'no person whatever shall follow or employ him or her or themselves in the business or employment of a hawker or pedlar,' until after he shall have procured a license authorizing him so to do, under a penalty of ten pounds. A proviso, however, saves the right of any person to peddle 'goods, wares, or merchandise being of the growth, product, or manufacture of this state.'

"Next in order is the act of March 28, 1799, which restricts the granting of a license to citizens of the United States who are disabled from procuring a livelihood by labor, and provides the manner in which proof of a physical disability shall be made. In the second section it changes the penalty for peddling without a license from ten pounds to fifty dollars. In the third section it declares that 'no person licensed for the purpose aforesaid, shall be permitted to sell, vend, or expose for sale, any foreign goods, wares, or merchandise, in any private or public house, or in any of the open streets, lanes or alleys, or in any other part or place of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, Moyamensing, or Passyunk,' under a penalty of fifty dollars. After the passage of this act, peddling within the city of Philadelphia and the other municipalities named, was prohibited absolutely, and the possession of a license did not confer any privilege upon or serve to protect in any manner, the holder, so far as the excepted districts were concerned, saving only the right to vend articles 'the growth, produce, or manufacture of this state.'

"This was the state of the law when the act of April 2, 1830, was passed, but, by an omission of the compiler, neither the act of 1784, nor that of 1799, is to be found in Purdon's Digest. Looking now at the act of 1830, we find that the first section revises and regulates the manner in which a license is to be applied for, fixes the price of the several kinds of license authorized, and by proviso brings forward the restrictive clause in the act of 1799, relating to the city of Philadelphia and its vicinity, which forbids licensed persons to sell any 'foreign or domestic goods, wares, or merchandise, in any private or public house, or in any of the open streets, lanes, or alleys, or in any other part or place of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, Moyamensing, and Passyunk, under the penalty of fifty dollars.' In the second section, the proviso appears saving to the citizens of the commonwealth the right to sell goods, wares and merchandise of their own manufacture. The act of 1830 supplies only such portions of the act of 1799 as relate to the procuring of licenses, and their classification, leaving those portions which prohibit peddling by an unlicensed person wholly untouched. In 1840, the legislature, out of abundant caution, re-enacted the prohibitory clause of the act of 1799, and affixed the same penalty of \$50 for its violation, but with the same proviso, 'that this act shall not be construed to prevent citizens of this commonwealth from hawking and peddling goods of their own manufacture.' [Act of April 16, 1840, P. L. 433.]

"From this review of the statutes, it is very clear that the act of peddling in the city of Philadelphia, whether with or without a license, is forbidden, and that the penalty of fifty dollars is affixed to the act whether the peddler has or has not a license. The argument of the

appellant, based on the idea that the act of 1830 contained the only restrictive provisions to be found on the statute-book, fails because its foundation fails.

"The only other question discussed by the appellant is that of the constitutionality of the legislation requiring a license and forbidding unlicensed persons to peddle. Especially is it urged that the discrimination in favor of those under physical disability is unauthorized, unjust, and oppressive. While the argument of the appellant on this subject is ingenious, and shows research and learning, we do not regard the subject as fairly debatable. The recital in the earlier acts shows, by the express declaration of the law-makers, what is quite apparent from the nature of the several provisions they contain, that the purpose of the legislation was the protection of society from the lawless, able-bodied wanderer, whose presence is a source of apprehension in any community. To refuse a license, which would serve as an excuse for visiting private houses and securing access thereto, to the able-bodied stranger, was an exercise of police power, as clearly as the laws regulating the granting of liquor licenses or the sale of fire-arms.

"It has been suggested that there is some question about the burden of proof in this case. The acts of 1784 and 1799 distinctly forbade the act of peddling without a license, and those of 1799 and 1830 forbade peddling in the city of Philadelphia by licensed peddlers; but the proviso runs through them all that saves a citizen who sells goods of his own manufacture, or the growth, product, or manufacture of this state. The defendant was found peddling manufactured goods in the city of Philadelphia. He admits that he had no license. He knows, and can readily show, whether the goods were of his own manufacture, or were the growth, product or manufacture of this state. The facts were peculiarly within his knowledge, and were not within the knowledge of the plaintiff. We think, therefore, that, where proof was made that the defendant was found engaged in selling goods, wares, and merchandise, as a peddler, within the limits of the city of Philadelphia, it became his duty to show the special circumstances which gave him a right to peddle, notwithstanding the general prohibition. If a license conferred that right, it was his duty to prove that he held a license. If his right rested on the fact that he was the manufacturer of the goods that he was offering for sale, it was incumbent on him to show the fact: 1 Grenl. Ev. 105. Even in prosecutions resting on a statute in which a negative clause is part of the description of the offense, a prima facie showing is all that is required of the prosecution. As if a statute forbade a peddler to vend goods not made in the county; here the offence consists, not in peddling goods generally, but in selling goods of a particular character; yet plenary proof of the negative is not required, but upon a prima facie showing the defendant must take up the burden of proof, because the facts are within his knowledge. Where, however, the act may not be lawfully done without a license, or without the existence of some fact which equally with the possession of a license relieves against the prohibition of the statute, the fact being practically within the knowledge of the defendant, the burden of showing its existence is on him. In such a case proof of the act forbidden makes a case against the defendant, and the exculpatory fact must be shown by him, or judgment will go against him: 1 Greenl. Ev. 106. The act of 1784 makes it unlawful for any person 'to employ him, her, or themselves in the business or employment of a hawker or peddler' without a license. The act of 1799 and that of 1830 provide that, as to

the city of Philadelphia, a license shall confer no right to pursue the business of peddling. The only fact that can relieve a defendant from the penalty for engaging in the business of peddling in this city is, that he is the manufacturer of the goods he sells, or, at most, that they are the growth, product, or manufacture of the state. This is a fact that is peculiarly within his knowledge, and the burden of showing it is on him.

"It is not necessary to the decision of this case, but I cannot forbear saying, speaking, however, only for myself, that a careful review of the several statutes relating to this subject has satisfied me that the words 'foreign goods, wares, and merchandise,' so frequently employed in them, mean all goods not the 'growth, product or manufacture of this state.' These classes are constantly set over against each other; and there is no room for a third class, embracing goods made in other states of the Union. In all these statutes the prohibited goods are 'foreign goods.' Those not prohibited are the growth, product, or manufacture of this state. For the one class a license must be obtained; for the other, none is required. The line is drawn clearly and unmistakably between the products of the state, on the one side, and all outside of the state, on the other. It is probable that *Hart v. Willetts*, 62 Pa. 15, was decided without an examination of the acts of 1784 and 1799; and a careful consideration of this question, when it becomes necessary to decide it, may result in the adoption of the view now suggested."

13. County Treasurers to Account Annually to Auditor General. Fees of County Treasurers. That it shall be the duty of the county treasurers respectively, on or before the second Tuesday in December in each and every year, to render an account under oath or affirmation to the Auditor General, of all monies received by them for licenses, specifying the names of the persons and the amount received from each, and pay over to the State Treasurer all monies received by them, deducting therefrom a commission of five per cent. and if any county treasurer shall neglect or refuse to render his account to the Auditor General for settlement, and pay over the full amount to the State Treasurer, as hereinbefore directed, such treasurer shall not be allowed any compensation or commission.

Section 3, Act of April 2, 1830, P. L. 147.

(b) Tin, Japanned Ware and Clock Peddlers.

14. Tin and Clock Peddlers to be Licensed. Penalty for Failure to Secure License. Procedure. That no person shall employ himself or be concerned in the business or employment of hawking or peddling any kind of tin or japanned ware, or clocks, from place to place without having previously obtained a license so to do, under the provisions of the second section of this act; and if any person shall go from place to place, to sell or expose to sale any such articles without a license so to do being by him first obtained, such person shall forfeit and pay the sum of fifty dollars; and any justice of the peace or alderman, on view or the information or complaint on oath or affirmation, of any other person, shall, and in either case is hereby enjoined to proceed in a summary way against such person

so offending, to conviction; and in default of immediate payment of said forfeiture, to commit him to the common jail of said county, there to be detained until discharged by due course of law, and every repetition of the said offence shall be considered and punished as a new offence, and every person so employed, who upon demand, shall refuse to exhibit his license, shall be deemed an offender against this act, and one-half of the penalties which may accrue under the provisions of this act, shall go to the informer, and the other half to the county in which they may happen; and any such informer, notwithstanding his interest, shall be a competent witness.

Section 1, Act of February 6, 1830, P. L. 39.

15. Clerks of Courts to License Tin and Clock Peddlers. Reports to Auditor General. That the clerks of the courts of quarter sessions of the respective counties of this commonwealth, are hereby authorized to grant separate licenses for one year, under seal of said court, to hawkers and pedlars of tin and japanned ware, and to hawkers and pedlars of clocks, upon satisfactory evidence of the good moral character of such applicant, he having first produced a receipt from the county treasurer for thirty dollars, and it shall be the duty of the said clerks respectively, upon granting such licenses, immediately to transmit a certificate thereof to the Auditor General, who shall charge the county treasurer with the sum so received, and the county treasurers shall receive a like commission, and be subject to the same duties, restrictions and penalties, connected with their accountability under this act, as are provided in the fifth section of the act entitled "An act laying a duty on retailers of foreign merchandize," and the applicant shall pay to the clerk like fees as for similar services.

Section 2, Act of February 6, 1830, P. L. 39.

(c) Agricultural Tool, Stove and Ware Peddlers.

16. Certain Manufacturers Authorized to Peddle own Manufacture and to Authorize Agents to do Same. That from and after the passage of this act, it shall be lawful for the manufacturers of agricultural tools and implements, stoves, hollow-ware, and wooden-ware, to peddle their own manufacture, or authorize agents to peddle the same for them: Provided, That the provisions of this act shall not extend to any portion of the state east of the Allegheny mountains, or to the county of Armstrong.

Section 1, Act of April 14, 1863, P. L. 431, No. 429.

(d) Clothing, Dry Goods, Notions, Crockery, and Tinware Peddlers.

17. County Treasurers Authorized to License Clothing, Etc., Peddlers to Peddle Other than their own Product. License Fee. Existing Laws not Altered. That hereafter any county treasurer

of the respective counties of this Commonwealth is hereby authorized to issue a license to any person or persons to hawk, peddle or sell, within the county where such license is granted, clothing, dry goods, notions, crockery and tinware, other than their own manufacturing or product; and each person so applying for and taking out a license, shall pay to such county treasurer, yearly, as follows, to-wit: The sum of ten dollars for each person hawking, peddling or selling, where the same is done on foot or by traveling without any conveyance, for the sale of such goods, and the sum of forty dollars for the hawking, peddling and selling of such goods, wares or merchandise, where a horse and carriage, or any vehicle, is used in carrying on the business of hawking, peddling or selling goods, wares and merchandise, aforesaid: Provided, however, That this act shall not apply to any person or persons, nor alter existing laws, in the hawking, peddling or selling goods, wares and merchandise, where the manufacturer or producer hawks, peddles or sells his own manufactured goods or products: Provided further, That nothing in this act shall apply to an act, entitled "An act to permit disabled soldiers to peddle by procuring a license therefor, without charge," approved the eighth day of April, one thousand eight hundred sixty-seven, extending such privilege to all soldiers, sailors and marines who are unable to procure a livelihood by manual labor, approved the ninth day of June, one thousand eight hundred and ninety-one: Provided also, That this act shall not apply to any boroughs, townships or counties of this State where, under existing laws, hawking and peddling is entirely prohibited by law.

Section 1, Act of June 14, 1901, P. L. 563.

18. Penalty for Failure to Obtain License or to Exhibit Same upon Request of Citizen. Any person hawking, peddling or selling goods, wares or merchandise, without obtaining the license aforesaid and in violation of this act, shall be guilty of a misdemeanor; and upon conviction thereof in the court of quarter sessions of the peace, in and for the respective counties, shall be sentenced to a fine of not less than one hundred dollars, nor more than five hundred dollars, or to imprisonment in the county jail of the proper county for a period of not less than three months nor more than one year, or both or either, at the discretion of the court. Every person or persons, granted a license under the provisions of this act, who refuse to exhibit said license upon request of any citizen of this State, shall be liable to a fine not exceeding twenty dollars, to be recovered according to law.

Section 2, Act of June 14, 1901, P. L. 563.

19. Act not to Extend to Cities, nor to Repeal Local or Special Laws. This act shall not affect cities of the first, second and third classes, nor any existing local or special laws now in force.

Section 3, Act of June 14, 1901, P. L. 563.

(e) **Cities of First Class Authorized to License Peddlers.**

20. Persons not to Peddle Fish, Fruit, Vegetables and Merchandise in First Class Cities Without License. It shall be unlawful for any person to hawk, vend, or peddle, upon the highways, streets, lanes, alleys, avenues, roads, or pavements of any city of the first class, any fish, fruit, or vegetable, or other merchandise, except a license therefor shall have been previously obtained as hereinafter provided.

Section 1, Act of May 17, 1917, P. L. 204, No. 117.

21. Citizens Only to be Licensed. Licenses shall only be granted under this act to citizens of the United States, and shall be for the current calendar year.

Section 2, Act of May 17, 1917, P. L. 204, No. 117.

22. Each Separate Conveyance to be Licensed. For each and every wagon, cart, dray, wheelbarrow, or any vehicle used for the purpose of hawking, vending, and peddling fish, fruit, and vegetables, or other merchandise, a separate license shall be first had and obtained by the owner thereof; and in all cases where more than one license is taken out by any person, copartnership, or corporation, that fact shall be noted upon said additional license-stub, in its numerical order; and every vehicle shall be conspicuously marked with the name and address of the licensee, and shall have prominently displayed thereon a license-plate numbered the same as the license which was granted for the same.

Section 3, Act of May 17, 1917, P. L. 204, No. 117.

23. Councils to Pass Ordinance Fixing License Fee. The councils of the cities of the first class, after the passage of this act, shall be empowered and shall be required to fix by ordinance the amount to be paid for a license under this act, and the time the same shall be paid, and also describe and regulate the manner of payment thereof into the treasury of the said city.

Section 4, Act of May 17, 1917, P. L. 204, No. 117.

24. Penalties. Peddling of Farm and Garden Products by Owners Thereof. Any person or persons using any vehicle that is not the property of the licensee, under this act, for hawking, vending, or peddling of any merchandise whatsoever, in the cities of the first class, and which is not properly marked, and which does not have prominently displayed thereon the proper license-plate, shall be liable, on conviction, to be imprisoned for not more than five days, or fined not more than one hundred dollars, or both or either, in the discretion of the court: Provided, That nothing contained in this act shall prevent any citizen of this Commonwealth from hawking, vending, and peddling the products of his, or her, or their farm or garden: Provided, however, That he, she, or they shall be required

to make personal appearance, and execute an affidavit to that effect, before the properly accredited officials and display prominently on the vehicle used as a license-plate, for which, however, no charge shall be made.

Section 5, Act of May 17, 1917, P. L. 204, No. 117.

(f) Cities of Second and Third Class Authorized to License Peddlers.

25. Peddlers in Second and Third Class Cities to be Licensed. Penalty for Failure to Obtain License. Proviso in Favor of Farmers, Gardeners and Dairymen. No person or persons shall be employed, engaged or concerned in the business or employment of hawking, peddling or selling produce or merchandise or either or any of them, within the limits of any city of the second and third classes within this commonwealth, without having previously taken out a license; and if any person or persons shall go from house to house within the limits of such cities to sell or offer or expose for sale such articles or any of them, without having paid such sum or sums as may be fixed by ordinance of councils of such cities into the treasury thereof and received a license therefor, the person or persons so offending shall forfeit and pay, for each and every offense, the sum of fifty dollars, to be recovered summarily before the mayor of such city wherein the offense shall have been committed: Provided, however, That nothing herein contained shall be construed so as to prohibit farmers, gardeners or dairymen from selling the products of their own farms, gardens or dairies.

Section 1, Act of June 10, 1881, P. L. 109.

26. Councils to Fix License Fee. Councils of the cities of the second and third classes, after the approval of this act, shall be empowered to fix by ordinance the amount to be paid for a license and the time the same shall be granted for, and prescribe and regulate the manner of payment thereof into the treasury of such cities.

Section 2, Act of June 10, 1881, P. L. 109.

27. Act not to go into Force until Adopted by Ordinance. This act shall not be in operation nor shall it go into effect in any city of the second and third classes, until councils accept the same by ordinance.

Section 3, Act of June 10, 1881, P. L. 109.

28. Cities of the Second Class Authorized to Regulate Peddling. And every city of the second class shall have power, for general revenue purposes, to levy and collect license taxes or fees, to be fixed by ordinance, upon [street railways, hack-drivers, auctioneers, bill posters, public balls or dances, night soilers, garbage collectors, railroad switches, pawn brokers], peddlers; venders of any kind of merchandise whatever, using the streets, lanes, highways, wharves,

or public squares or grounds, for the purpose of vending the same; [all theatrical exhibitions, whether permanent or transient (including circuses), vehicles, bicycles, tricycles, automobiles, dogs, ball games or ball parks, and all other matters and things of a like nature], and to regulate the collection of the same and to provide penalties for default therein.

Part of Section 3, Article XIX, Act of March 7, 1901, P. L. 20.

29. Cities of the Third Class Authorized to Regulate Peddling. Every city of the third class in its corporate capacity is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this and other acts:—

4. To levy and collect a license tax, not exceeding one hundred dollars each, annually, on all * * * * * peddlers, produce or merchandise venders, * * * * * and to regulate the collection of the same.

Part of Section 3, Act of June 27, 1913, P. L. 568, No. 367.

(g) **Boroughs authorized to regulate Peddling.**

30. Power of Boroughs to Regulate Peddling. The powers of the borough shall be vested in the corporate officers. They shall have power:—

To regulate [markets and] peddling, [and to provide for the inspection of milk].

Part of Section 2, Art. I, Chap. V, Act of May 14, 1915, P. L. 312.

(h) **Peddling by Disabled Soldiers, Sailors and Marines.**

31. Honorably Discharged and Disabled Soldiers, Sailors and Marines to Receive Licenses to Peddle. No License Fee to be Charged. Procedure to Obtain License. Every honorably discharged soldier, sailor and marine, of the military or naval service of the United States, who is a resident of this State, and who is unable to procure a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, or solicit trade within this Commonwealth, by procuring a license for that purpose to be issued without cost: Provided, That before any such soldier, sailor, or marine shall be entitled to the benefits of this act, he shall present his certificate of pension which shall be evidence of his disability; if no pensioner, shall obtain a certificate from an examining surgeon of the United States that he is unable to procure his living by manual labor, and shall also procure a certificate from the prothonotary of any county in this State that he has filed in the office of said prothonotary, his affidavit, setting forth that he is the bona fide owner in his own right of all the goods, wares and merchandise which he proposes to hawk, peddle and vend, and that

he will not engage to sell the same for any other person or persons whatever: And provided further, That the aforesaid certificate, together with such person's discharge from the military or naval service, or an exemplified copy thereof shall be full and conclusive evidence of such person's rights to the benefits of this act.

Section 1, Act of June 9, 1891, P. L. 250, amending Act of April 8, 1867, P. L. 50.

HOUSE SERVANTS.

See Cooks.

INSURANCE AGENTS.

See Brokers (d).

INSURANCE BROKERS.

See Brokers (d).

JANITORS.

See Physicians and Surgeons.

(c) Communicable Diseases, Secs. 43, 47.

JUNK DEALERS.

(a) Restriction on Junk-Dealers in Purchases.

1. **Junk-Dealers Prohibited from Making Certain Purchases. Books to be Kept.** From and after the passage of this act it shall be unlawful for any keeper, owner, proprietor, or employe of any junk shop within any city within this commonwealth, or for any owner, proprietor, or employe of any second hand store within any such city, to barter, purchase, exchange, buy or accept from any person whatsoever, except plumbers holding licenses as such from such city, or the owner or owners of buildings from which the material is taken, any pipe, faucet, boilers, spigots, coils, or any other like material whatever, or to barter, purchase, exchange, buy, receive or accept any other second hand goods, wares, or merchandise of any kind or nature whatever, without providing and keeping books, and making therein at the time of such purchase, exchange, receiving or accepting, the entries hereinafter provided.

Section 1, Act of April 11, 1899, P. L. 37.

This act is constitutional: Comm. v. Mintz, 19 Sup. Ct. 283.

2. **Junk-Dealers to Keep Books. Entries to be Open to Inspection.** Every owner of such junk shops and second hand stores shall provide and constantly keep a book, in which shall be fairly written down in the English language, at the time of every purchase of any such material, a description of all articles so purchased, the name

and residence of the person from whom such purchase was made, and the day and the hour of such purchase, and such books shall at all times be open to the inspection of any and every member of the police and detective forces of such city.

Section 2, Act of April 11, 1899, P. L. 37.

3. Penalty. Any person who shall violate, or neglect, fail or refuse to comply with all of the provisions of this act or any of them, shall for every offense, upon conviction before any court of competent jurisdiction, be subject to a fine of not less than twenty nor more than five hundred dollars, and in default of payment thereof be imprisoned for a period not exceeding ninety days.

Section 3, Act of April 11, 1899, P. L. 37.

4. Junk-Dealers Prohibited from Purchasing from Certain Persons. Penalty. That if any person or persons shall, after the passage of this act, buy or receive from minors, knowing them to be such, or from persons unknown to such person or persons so buying or receiving, or from persons pursuing no trade, labor or employment for a livelihood, any junk, rope, scrap, iron, brass, lead, copper, or other metal, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof in a court of quarter sessions of the proper county, shall be sentenced to pay a fine of not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one year, or both, at the discretion of the court.

Section 1, Act of May 5, 1899, P. L. 247, No. 143.

This act is constitutional: *Comm. v. Baxter*, 23 Pa. C. C. 270.

5. Unlawful Possession of Certain Containers by Junk-Dealers. Any such owner or owners, or the agent of such owner or owners, who shall make oath or affirmation before any justice of the peace, alderman, or any magistrate having jurisdiction in criminal matters, that he has reason to believe, setting forth the facts upon which such belief is founded, and does believe, [that any of the above named articles belonging to him or them, so branded or stamped as aforesaid, or from which the brands or stamps have been cut off, removed, defaced or obliterated, or which have been mutilated, or wilfully detained after demand has been made, by any person or persons manufacturing or selling malt liquors, or any other liquor or liquid, or by any person or persons owning or using milk-cans, butter-boxes, ice-cream cans or ice-cream tubs, or] that any junk dealer [or cask dealer, or any other person or persons whomsoever], shall have in his, her, or their possession any of the articles above described, unlawfully as aforesaid, or secreted on his, her or their premises or in any other place under his, her or their control, and said magistrate shall thereupon, on proof of such demand having been made, issue a search warrant, directed to any constable or

other proper officer, to search the premises of the offender or offenders, or said place where any such articles are alleged to be, particularly describing such premises or place; and if, upon search, any such articles shall be found, to take possession of the same, and to bring the person in whose possession or control, any such articles may be found before such magistrate, to be tried as provided by law for the trial of misdemeanors, and be punished in the manner set forth in second section of this act.

Section 3, Act of March 27, 1903, P. L. 75, amending Section 3, Act of April 4, 1865, P. L. 58.

As to the manner of the unlawful possession and the articles in question referred to in the clause, "shall have in his, her, or their possession any of the articles above described, unlawfully as aforesaid, or secreted on his, her or their premises or in any place under his, her or their control," and also as to the penalty for such unlawful possession. See section two of this act, which is as follows:

"It is hereby declared to be unlawful for any person or persons hereafter, other than the lawful owner or owners as mentioned and referred to in the first section of this act, to fill with malt liquor or liquors, for any purpose whatever, any such butt, hogstead, barrel, half-barrel, cask, half-cask, quarter-cask or keg, or to fill with milk, cream, butter or ice-cream for any purpose whatever, any such milk-can, butter-box, ice-cream can or ice-cream tub, or to use, traffic in, purchase, sell, dispose of, detain, convert, mutilate or destroy, or wilfully or unreasonably refuse to return or deliver to such owner, upon demand being made, any such butt, hogshead, barrel, half-barrel, cask, half-cask, quarter cask, or keg, or any such milk-can, butter-box, ice-cream can or ice-cream tub, so branded or stamped, or from which such brand or stamps have been removed, cut off, defaced, obliterated, or to remove, cut off, deface, or obliterate, or to stamp other brands or stamps on the same, without the written permission of such original or lawful owner or owners thereof, or unless there shall have been a sale in express terms of any such article, exclusive of the malt liquor or other ingredient contained therein, to such person or persons by said original or lawful owner or owners; any person so offending shall, upon conviction, be deemed guilty of a misdemeanor; to be punished for the first offense by a fine of ten dollars for each and every such butt, hogshead, barrel, half-barrel, cask, half-cask, quarter-cask, keg, milk-can, butter-box, ice-cream can or ice-cream tub so filled and trafficked in, purchased, sold, disposed of, detained, converted, mutilated or destroyed, or not so delivered or returned, and by a fine of twenty dollars and by imprisonment in a county jail for not less than one and not more than three months, for each and every subsequent offence, to be recovered in same manner as fines are now recoverable."

(b) Levying on goods in possession of Junk-dealers.

6. Junk-Dealers not to Conceal Goods from Constables and Sheriffs.

It shall be unlawful for any person, firm, or corporation, being in possession of goods and chattels of any description belonging to another, either as [storage or warehouseman, pawnbroker], second-hand dealer, or junk dealer, to conceal from any constable or sheriff.

entrusted with the execution of any writ, any such goods or chattels, with intent to prevent any such goods, or chattels, from being taken or levied upon under any such writ.

Section 1, Act of May 20, 1913, P. L. 246.

7. What Constitutes Evidence of Intent to Conceal. The refusal to disclose or point out to any such constable or sheriff the whereabouts of any such goods or chattels, shall be evidence of the intent to conceal such goods and chattels, as provided for in section one of this act.

Section 2, Act of May 20, 1913, P. L. 246.

8. Penalty. Any keeper, owner, proprietor, or any person in charge of any such [storage or warehouse, pawn-shop], second-hand store, or junk-shop, who shall violate, neglect, fail, or refuse to comply with all of the provisions of this act, or any of them, shall be guilty of a misdemeanor and upon conviction before any court of competent jurisdiction be sentenced to pay a fine not exceeding five hundred dollars (\$500) or undergo an imprisonment of not more than one year, or both, at the discretion of the court.

Section 3, Act of May 20, 1913, P. L. 246.

(c) Licensing of Junk-dealers in First Class Cities.

9. Board of Health to License Junk-dealers. On and after January one, one thousand nine hundred and eighteen, it shall be unlawful for any person, firm, or corporation to own, operate, or conduct any rag-shop, second-hand paper-shop, or junk-shop in cities of the first class, without having first received a license from the board of health for said cities to own, operate, or conduct the said shop; and the board of health of said cities is hereby authorized and empowered to issue licenses for said purpose, and to make rules and regulations for the location, conduct, and operation of said shops.

Section 1, Act of July 5, 1917, P. L. 676.

10. License Fee. Licenses not Transferable. Revocation of Licenses. The fee for a license, as provided for in this act, shall be ten dollars per annum for each rag-shop, second-hand paper-shop, and junk-shop; the license shall not be transferable as to person or place, and shall be revocable upon failure to comply with the rules and regulations of such board of health.

Section 2, Act of July 5, 1917, P. L. 676.

11. Penalty. Violators of any of the provisions of this act shall be punishable, by summary conviction before a magistrate, by a fine of twenty-five dollars (\$25.00), or imprisonment, in default of fine, of not less than five (5) days or more than fifteen (15) days, subject to appeal, as in cases of summary conviction.

Section 3, Act of July 5, 1917, P. L. 676.

KITCHEN-HELP.

See Cooks.

MIDWIVES.

(a) Licensing of Midwives.

1. Reasons for Passage of Act. Whereas, The lives of many women and children are needlessly sacrificed in child-birth, and the vision of many new-born children is seriously injured or totally destroyed through the ignorance and incompetency of persons engaged in the practice of midwifery; and

Whereas, An act of Assembly attempting to regulate such matters was approved on the fourteenth day of June, Anno Domini one thousand nine hundred and eleven, but was defective; therefore,—

Whereas Clauses, Act of June 5, 1913, P. L. 441.

The Act herein referred to is inserted hereafter being Sections 11 to 25 infra.

2. Midwives to be Licensed by Bureau of Medical Education and Licensure. Certificate to be Registered with Prothonotary. From and after six months after the date of the passage of this act, it shall be unlawful for any person, except a duly licensed physician, to practice midwifery in this State before receiving a certificate from the Bureau of Medical Education and Licensure of the State of Pennsylvania to do so, and having said certificate registered in the office of the prothonotary of the county in which the holder desires to practice midwifery.

Section 1, Act of June 5, 1913, P. L. 441.

3. Bureau of Medical Education and Licensure to Issue Rules and Regulations. Issuing, Revoking and Refusing Certificates of Licensure. The Bureau of Medical Education and Licensure shall formulate and issue such rules and regulations, from time to time, as may be necessary for the proper conduct of the practice of midwifery by midwives. Said bureau shall issue certificates to midwives having fulfilled the requirements laid down by the bureau, which certificates shall be revocable by the bureau on proof of violation of any of its rules and regulations. The said bureau may refuse to grant a certificate to any person addicted to the use of alcohol or narcotic drugs, or who may have been guilty of a crime involving moral turpitude.

Section 2, Act of June 5, 1913, P. L. 441.

4. Fee for Certificate. Each and every applicant for a certificate to practice midwifery shall pay to the said Bureau of Medical Education and Licensure the sum of ten dollars at the time of making such application.

Section 3, Act of June 5, 1913, P. L. 441.

5. Fees to be Paid to State Treasurer. Audit. All fees that may be received by said bureau, from examination or any other source, shall be paid over to the Treasurer of this Commonwealth by the treasurer of the Bureau of Medical Education and Licensure, each six months, on a proper audit being made thereof by the Auditor General of this Commonwealth.

Section 4, Act of June 5, 1913, P. L. 441.

6. Salary and Compensation of Secretary and Aids to Bureau. The Secretary of the Bureau of Medical Education and Licensure of the State of Pennsylvania shall receive an annual salary, not to exceed three hundred dollars, for his service in carrying out the provisions of this act. The service of other necessary aids in carrying out the provisions of this act shall receive compensation, not to exceed ten dollars per diem, and necessary traveling expenses.

Section 5, Act of June 5, 1913, P. L. 441.

7. Penalty. Any person practicing midwifery as a profession, or advertising herself as a midwife, without first obtaining the certificate aforesaid, shall be deemed guilty of a misdemeanor, and upon first conviction shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days, or both fine and imprisonment, at the discretion of the court. On a second conviction both fine and imprisonment shall be imposed.

Section 6, Act of June 5, 1913, P. L. 441.

8. Midwives Practicing Gratuitously. Midwives Licensed Prior to Passage of Act. Any person, other than a regularly licensed physician, who shall attend a woman in childbirth, for hire, or who shall make a practice of attending women in childbirth, gratuitously or for hire, shall be regarded as midwife within the meaning of this act: Provided, That nothing in this section shall be construed to prevent any one licensed under the Medical Act, approved the third day of June, Anno Domini one thousand nine hundred and eleven, from practicing midwifery; nor to prohibit a student of medicine, matriculated at and in attendance at a legally incorporated medical school or college, recognized and approved by the Bureau of Medical Education and Licensure, from practicing obstetrics under the supervision of the faculty of the medical school or college in which he is a duly registered student.

Section 7, Act of June 5, 1913, P. L. 441.

9. Auditor General to Audit Accounts. All accounts of said bureau shall be audited by the Auditor General of this Commonwealth and when proper warrants for the payment of the same shall be issued drawn upon the State Treasurer.

Part of Section 8, Act of June 5, 1913, P. L. 441.

10. Repeal. All other acts or parts of acts, general, special or local, pertaining to this subject-matter, covered by this act, and inconsistent herewith, be and the same are hereby repealed.

Section 9, Act of June 5, 1913, P. L. 441.

11. Reasons for Passage of Act. Whereas, The lives of many women and children are needlessly sacrificed in childbirth, and the vision of many new-born seriously injured or totally destroyed through the ignorance and incompetency of persons engaged in the practice of midwifery, therefore,

Whereas Clause to Act of June 14, 1911, P. L. 928.

12. Midwives to Be Licensed by Medical Council. On and after the date of the passage of this act, it shall be unlawful for any person, except a duly licensed physician, to practice midwifery in this State before receiving a license from the Medical Council of the State of Pennsylvania to do so.

Section 1, Act of June 14, 1911, P. L. 928.

This Section seems to be repealed by the Act of June 5, 1913, P. L. 441, which provides for the licensing of midwives by the Bureau of Medical Education and Licensure: See *supra* Sections 2 and 10. The Medical Council has been abolished.

13. Licensing of Midwives Who Practiced Ten Years Prior to Passage of Act. All persons practicing midwifery in this State, and who have practiced it for ten years last preceding the date of the passage of this act, and desiring to continue the same, shall within ninety days after the passage of this act, make application to the Medical Council of the State of Pennsylvania by submitting an affidavit, fully attested, giving the name, age, residence, the length of time during which and the place or places at which the applicant has been engaged in the practice of midwifery, and the special education, if any, which the applicant has received for such practice. Such application shall be accompanied by the affidavits of five (5) freeholders—at least two of which must be licensed practicing physicians—duly attested, that the applicant is known to them as the person applying for a license to practice midwifery, and that such applicant has been engaged in the active practice of midwifery, giving the location or locations of such practice, for the ten years last preceding the date of the passage of this act. Upon such application, and the payment of three (3) dollars, the Medical Council of the State of Pennsylvania shall issue to the applicant a license, which shall, when presented to and endorsed by the local registrar of vital statistics of the district in which applicant resides, entitle the holder to practice midwifery in this State. All midwives who fail to comply with the provisions of this section, within the prescribed

ninety days, must comply with the provisions of section three of this act.

Section 2, Act of June 14, 1911, P. L. 928.

Licenses issued under this section are continued in force under the provisions of Section 7, Act of June 5, 1913, P. L. 441. See *supra* Section 8.

14. Licensing of Midwives Who Have Practiced Less Than Ten Years and of Persons Desiring to Enter Practice. All persons who have practiced midwifery in this State less than the above required ten (10) years, and desiring to continue the same, and all persons desiring to enter upon the practice of midwifery in this State after this act goes into effect, shall present to the Medical Council of this State their diplomas, duly attested and procured from an obstetrical school of such standing as shall be recognized and determined by the Medical Council of this State, together with an application setting forth applicant's name, age, place of residence, and such other information as may be required by the State Medical Council to establish applicant's identity. Such applicant shall pay to the said Medical Council the sum of ten (10) dollars at the time of making such application; or, being unable to present a diploma satisfactory to the State Medical Council, such applicant shall submit to an examination in midwifery, as the said State Medical Council shall require, and pay a fee of twenty (20) dollars. Application for examination, with all data required by the Medical Council of the State with the fee, must be in the hands of said State Medical Council at least ten (10) days before the examination, which fee shall entitle the applicant to one re-examination within twelve months of the date when the first examination is held. Such evidence of qualification being satisfactory to the said State Medical Council, it shall issue to the applicant a license, which shall, when presented to and endorsed by the local registrar of vital statistics of the district in which the applicant resides, entitle the holder to practice midwifery in this State.

Section 3, Act of June 14, 1911, P. L. 928.

Licenses issued under this Section are continued in force under the provisions of Section 7, Act of June 5, 1913, P. L. 441. See *supra* Section 8.

15. Licenses to Be Exhibited to Local Registrars of Vital Statistics. Registrars to Keep Record of Licenses. Commissioner of Health to Keep Record of Licenses. Every person who shall receive a license, as provided in this act, shall, before engaging in the practice of midwifery in any city, town, or county in this Commonwealth, exhibit his or her license to, and receive the endorsement of, the local registrar of vital statistics for the city, town, or county in which he or she resides. Such local registrar shall record in a "Licensed Midwife Register," kept for the purpose, the name and address of the midwife, and the date of issue of the license, and the date of his en-

dorsement, and shall transmit a transcript of each such registration to the State Commissioner of Health, at Harrisburg, who shall keep it on file for reference.

Section 4, Act of June 14, 1911, P. L. 928.

16. Examinations of Applicants. The Medical Council of the State of Pennsylvania shall appoint as an examiner for each examination a member of the Medical Council, or a legally qualified practitioner of medicine, as hereinafter provided, and shall have charge of all details of the examination of applicants. Such applicants must, at least, know how to read and write, and be able to make out correctly a birth certificate as required by law; and present satisfactory proof that he or she has attended at least five (5) cases of childbirth; and show a reasonable degree of knowledge of the anatomy of the pelvis, deformities of the pelvis, antisepsis, diagnosis, physiology and pathology of pregnancy; physiology, mechanism, and management of labor; dystocia, fetal, and material physiology, and management of puerperium, physiology, pathology and management of new-born infants.

Whenever applicant resides outside the city limits of the city of Harrisburg, and cannot come to the city to try the examination before a member of the State Medical Council, then the examination shall be conducted by a legally qualified practitioner of medicine, of the city, town or county in which the applicant resides, or a member of the State Medical Council, at the discretion of the State Medical Council. Such examiner to be appointed by the State Medical Council, and to conduct said examination in accordance with the directions given by the State Medical Council, and such examiner shall forward, with his endorsement, to the State Medical Council, all papers written by the applicant in the examination.

Section 5, Act of June 14, 1911, P. L. 928.

The Medical Council has been abolished. Applicants are now licensed by the Bureau of Medical Education and Licensure. See *supra* Section 2.

17. Examinations, When Held. An examination shall be held in the county seat of each and every county in this Commonwealth, within ninety days after the passage of this act, and again within nine months after the passage of this act, days and dates to be fixed by the State Medical Council; and due notice shall be given in at least two newspapers, issued and published in the localities in which examinations are to be held, once a week for four weeks, previous to the day of examination, giving the date and place and the subjects in which examinations will be held.

At any time after nine months after the passage of this act, and after the date of the above-mentioned second examination, upon receipt of an application for examination for license to practice mid-

wifery in this State, the State Medical Council shall, within thirty days, communicate to the applicant the place at which, the date on which, and the subjects in which he or she shall appear for examination before the State Medical Council, or the local examiner of the city, town, or county in which applicant resides.

Section 6, Act of June 14, 1911, P. L. 928.

See notes of Section 16 *supra*.

18. Refusal and Revocation of Certificates. The State Medical Council may refuse to grant a license to any person addicted to the habitual use of alcohol or narcotics; and may revoke the license of any licensed midwife when it is shown by competent evidence that he or she has been guilty of immoral or criminal practices, or have become addicted to the habitual use of alcohol or narcotics.

Section 7, Act of June 14, 1911, P. L. 928.

Certificates are now revoked by the Bureau of Medical Education and Licensure: See *supra* Section 3.

19 Fees from Applicants. Compensation of Examiners and Secretary. Interpreters. All fees received from applicants for license to practice midwifery in this State shall be returned annually by the State Medical Council to the State Treasurer. Each examiner in midwifery shall be entitled to be paid the sum of fifteen dollars (\$15) per diem when actually engaged in discharging his duties under this act, and also his actual and necessary traveling expenses for the same. The secretary of the State Medical Council shall receive an annual salary, not to exceed three hundred dollars (\$300), for his services in carrying out the provisions of this act.

When necessary, the services of an interpreter may be engaged, for the purpose of locating and conviction of violators of this act, and for the purpose of preparing and translating examination blanks in foreign languages, whose compensation shall not exceed ten dollars (\$10) per diem, and necessary traveling expenses.

Section 8, Act of June 14, 1911, P. L. 928.

This section, except the provisions relative to interpreters, seems to be repealed by the Act of June 5, 1913, P. L. 441.

20. Midwives Not to Engage in Certain Practice. Emergency Cases. It shall be unlawful, on and after the passage of this act, for any midwife, [nurse or person,] other than a legally qualified physician, to attempt to administer an anesthetic, to attempt to deliver a retained placenta, to attempt to use forceps, to attempt version or any forcible delivery; but such midwife, [nurse or person] shall, in all cases of labor that are not normal, notify a licensed practitioner of medicine: Provided, That nothing in this section shall apply in cases of emergency, where no duly licensed practitioner of medicine is readily obtainable.

Section 9, Act of June 14, 1911, P. L. 928.

21. Duties of Midwives with Regard to Children Having Inflamed Eyes. Penalty. If at any time within two weeks after the birth of an infant, one or both of its eyes, or the eyelids, be reddened, inflamed, swollen, or discharging pus, the midwife, [nurse or person,] other than a legally qualified physician, in charge of such infant, shall refrain from the application of any remedy for the same, and shall immediately report such condition to the local health authorities, and, at the same time, to some legally qualified physician in the city, town or county wherein the infant is cared for. Any person or persons violating the provisions of this section shall, on conviction, be punished by a fine not to exceed one hundred dollars, or by imprisonment in jail not to exceed six months, or by both fine and imprisonment, in the discretion of the court, alderman, magistrate or justice of the peace.

Section 10, Act of June 14, 1911, P. L. 928.

On the same subject see *infra* Section 26.

22. Midwives Not to Practice Medicine. It shall be unlawful for any person, licensed as a midwife only, to engage in any other branch of medical practice; or to advertise herself as a doctor, doctress, or physician; or to use any letters, before or after her name, on a sign, card, or otherwise, indicating that she is authorized to, or does, engage in any other branch of medical practice.

Section 11, Act of June 14, 1911, P. L. 928.

23. Penalty. And any person practicing midwifery as a profession or advertising herself as a midwife, without first obtaining the license aforesaid, and any licensed midwife who shall do any acts in this section prohibited—except section ten, last above, which carries its own penalty—shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail, not more than two months nor less than ten days, or both fine and imprisonment at the discretion of the court. Acting in each case shall be deemed a separate offense. Upon a third conviction of a licensed midwife, for a commission of any acts in this law prohibited, he or she shall, in addition to the penalties herein provided, forfeit his or her license to practice midwifery.

Section 12, Act of June 14, 1911, P. L. 928.

24. Licenses to be Forfeited in Certain Cases. A midwife who shall be convicted of producing an abortion, or of inducing premature labor, shall, in addition to the penalties already provided by law, forfeit at once his or her license to practice midwifery.

Section 13, Act of June 14, 1911, P. L. 928.

25. Midwife Defined. Persons Excepted from Provisions of Act. Any person, other than a regularly licensed physician, who shall attend a woman in childbirth, for hire, or who shall make a practice of attending women in childbirth, gratuitously or for hire, shall be regarded as a midwife within the meaning of this bill:

Provided, That this section shall not be construed to prevent a doctor of medicine, or licentiate of medicine, who holds a certificate of registration as such, from practicing obstetrics; nor to prohibit a student of medicine, matriculated at and in attendance at a legally incorporated medical school or college, from practicing obstetrics under the supervision of the faculty of the medical school or college in which he is duly registered student; nor to prohibit the gratuitous rendering of obstetrical services by a friend or member of the family of the patient; nor to prohibit the rendering of obstetrical services by any person, in a case of emergency, when no duly licensed practitioner of medicine is readily obtainable.

Section 14, Act of June 14, 1911, P. L. 928.

(b) Inflammation, Etc., of Eyes of Infants.

26. Midwives to Report to Health Authorities Inflamed Conditions of Eyes of Infants. That any midwife, [nurse, or other person] having the care of an infant, whose eyes have become inflamed or swollen or reddened at any time within two weeks after birth, shall report the same, in writing, to the health authorities of the city, borough, or township of the first class in which the case may be located; or, if it be located in a township of the second class, or a city, borough, or township of the first class, not having a board of health, or body acting as such, the State Department of Health, within six hours after the discovery thereof; giving the name of the infant, the names of the parents or guardians, and the street and number of their residence, or otherwise sufficiently designate the same; together with the fact that such inflammation or swelling or redness exists, and shall make a similar report in writing to some regularly qualified practicing physician of the district.

Section 2, Act of June 5, 1913, P. L. 443.

On same subject see supra Section 21.

27. Penalty. Any physician, midwife, nurse, or other person who shall violate any of the provisions of this act, shall, upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed, be sentenced to pay a fine of not less than twenty or more than one hundred (\$100) dollars, to be paid to the use of the said county, and the costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten (10) or more than thirty (30) days, or both, at the discretion of the court.

Section 6, Act of June 5, 1913, P. L. 443.

(c) **Licensing of Midwives in Cities of the First Class.**

28. Licensing of Midwives. From and after the first day of September, one thousand nine hundred and nine, it shall be unlawful for any person or persons, in any city of the first class, to practice the business or profession of midwifery, for hire or reward, except under license to be obtained from the Department of Public Health and Charities in such cities; or to continue the practice thereof, after any such license shall have been revoked by said Department, unless it shall be reinstated upon appeal; or to practice said business or profession otherwise than in accordance with the rules and regulations to be by such Department made, adopted, and promulgated. The authority to grant said licenses, to provide for the examination of applicants therefor, and to revoke the same for cause, is hereby conferred upon the Director of the said Department, in said cities. A fee of one (\$1) dollar shall be paid into the city treasury for each license issued under this act, by the person to whom such license shall be granted.

Section 1, Act of April 27, 1909, P. L. 249.

29. Department of Public Health and Charities to Adopt Rules and Regulations. The said Department of Public Health and Charities, upon the recommendation of the Chief of the Bureau thereof in charge of health affairs, is hereby authorized and directed to make and adopt suitable rules and regulations for the examination, licensing, and registration of midwives in the said cities; respecting the form of such licenses, and the manner and form of applications therefor; for the revocation of such licenses, for cause; for the exhibition of such licenses, and for the conduct of the business or profession of midwifery; which rules and regulations shall be promulgated by public advertisement, three (3) times each, in two (2) newspapers published in said cities, of the fact of their having been made and adopted, and in such other manner, if any, as said Department may determine; and shall at all times be open to public inspection. Such rules and regulations shall not be inconsistent with existing laws: Provided, That no license for the conduct of such business or profession shall be revoked, until after ten (10) days written notice shall have been given to the holder thereof of the allegations against him or her, and until he or she shall have been afforded a full opportunity to be heard; and an appeal from such revocation shall lie, within thirty (30) days thereafter, to the court of quarter sessions of the proper county: And provided further, That no person who shall have pursued the business or profession of midwifery, continuously for a period of ten (10) years before the passage of this act, shall be required to undergo an examination as a prerequisite to the obtaining of such license.

Section 2, Act of April 27, 1909, P. L. 249.

30. Penalty. Any person violating any of the provisions of this act, or of the rules and regulations hereby authorized, after the same shall have been adopted and promulgated, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding one hundred (\$100) dollars.

Section 3, Act of April 27, 1909, P. L. 249.

(d) Vital Statistics.

31. See Physicians and Surgeons.

Sections 62, 69, 72, 78.

MONEY LENDERS.

See Brokers (c).

NURSES.

1. Reasons for Passage of Act. Whereas, The safety of the public is endangered by insufficiently trained and incompetent nurses, in the absence of a law for the registration of those possessing the proper qualifications; now, therefore,—

Whereas to Act of May 1, 1909, P. L. 321.

2. State Board of Examiners for Registration of Nurses. Qualifications of Members. Within sixty days after the passage of this act, the Governor shall appoint a State Board of Examiners for Registration of Nurses, composed of five members: three of said members shall be physicians, two of whom shall be connected in an official capacity with public hospitals where nurses' training schools are maintained, and all of whom shall have practiced their profession in the State of Pennsylvania for at least five years immediately preceding the time of their appointment; and the remaining two members shall be nurses, graduated from training schools connected with hospitals where practical and theoretical instruction is given in general surgical and medical nursing, and who shall have been engaged in nursing for at least five years since graduation.

Section 1, Act of May 1, 1909, P. L. 321.

3. Terms of Members of Board. Vacancies. Removals. The Governor shall appoint the original members of said board; one for one year, one for two years, one for three years, one for four years, and one for five years; and upon the expiration of the term of office of any member, the Governor shall likewise appoint persons, with the above specified qualifications, to fill the vacancy for a term of five years and until a successor is chosen. The unexpired term of any member, caused by death, resignation, or otherwise, shall be filled by the Governor, in the same manner as an original appointment.

The Governor may remove any member for neglect of duty, incompetence, or dishonorable or unprofessional conduct.

Section 2, Act of May 1, 1909, P. L. 321.

4. Meetings of Board. Quorum. Officers. Seal. By-Laws. Minutes and Register of Nurses. The said board as soon as appointed, and annually thereafter, on a date to be fixed by the by-laws, shall meet for organization, and shall also hold other meetings by call of the secretary, upon written request of two members, or under such other circumstances as may be prescribed by the by-laws. Three members shall always constitute a quorum. At such organization meeting the board shall elect, from its members, a president and a secretary; the secretary shall act as treasurer.

The said officers shall be elected for a term of one year and until their successors are duly chosen, and all vacancies arising in said offices shall be filled by the board, in like manner, for the unexpired term. The board shall adopt a seal, and shall establish by-laws and regulations for its own government and for the execution of the provisions of this act. The secretary shall keep a record of all proceedings of the board, and also a register of all nurses registered under this act, which register shall at all reasonable times be open for public inspection.

Section 3, Act of May 1, 1909, P. L. 321.

The Department of Public Printing and Binding is authorized to furnish the State Board of Examiners for the Registration of Nurses its necessary stationery: Opinion of Deputy Attorney General, Hargest, Rep. of Atty. Gen. 1909-1910, p. 255.

5. Copy of Registration of Nurses to be Filed in Office of Commissioner of Health. Penalty for Failure to File. Transfer of Records. The secretary, immediately upon the registration of every nurse, shall file in the office of the State Commissioner of Health, under the seal of the said Board of Examiners, an exact counterpart of the certificate issued to the holder thereof; and said counterpart shall be filed and indexed in the office of the State Commissioner of Health, and kept by him for public inspection and information. If the secretary of the board neglect to file said counterpart, as aforesaid, for more than twenty days from the date of issue of the corresponding certificate, unless prevented therefrom by sickness or other unavoidable inability, the said secretary shall be held guilty of a breach of duty and shall forfeit his or her membership and his or her offices in the said Board of Examiners.

The nurses' registration records now in the office of the Secretary of the Commonwealth, shall, upon the approval of this amendment, be transferred to the office of the Commissioner of Health.

Section 1, Act of June 4, 1915, P. L. 809, amending Section 4, Act of May 1, 1909, P. L. 321.

6. Salary of Secretary and Members of Board. Bond of Treasurer. Disposition of moneys in Treasury. The secretary of the board shall receive a salary not to exceed one hundred dollars (\$100.00) a year. All members of the board shall receive five dollars (\$5.00) a day for each day actually engaged in the transaction of official business, together with all actual expenses incurred as aforesaid. All expenditures of the said board shall be paid from the fees received thereby under the provisions of this act, and said expenditures shall in no case be paid from the State Treasury. The treasurer of the board shall give bond, in such sum as may be fixed by the by-laws, which bond shall be subject to the approval of the State Treasurer. The said treasurer shall pay the necessary and current expenses of the board, and may retain in the treasury a sum not exceeding five thousand dollars to defray the ordinary expenditures; but all moneys exceeding the said sum of five thousand dollars shall be paid by the treasurer of the board to the State Treasury. The said board shall have no power to fix prices or in any way control the compensation received by the registered nurse.

Section 2, Act of June 4, 1915, P. L. 809, amending Section 5, Act of May 1, 1909, P. L. 321.

Under this section members of the Board of Examiners can be paid out of the funds of the board only the amount of expenses actually incurred: Opinion of Deputy Attorney General Cunningham, Rep. of Atty. Gen. 1909-1910, p. 302.

7. Examinations. Certificate of Registration. As soon as appointed, in the year one thousand nine hundred and nine, and subsequently at least once every year, at a time and place to be prescribed by said by-laws, the said board shall meet for the purpose of examining applicants for registration under the provisions of this act. Notice of such meetings shall be given in the public press and in one or more nursing journals, at least one month prior to each meeting, in a manner to be prescribed by said by-laws. At said meetings the board shall examine all applicants for registration, to determine their qualifications for the efficient nursing of the sick; said examination to be conducted in accordance with provisions of this act and with the by-laws and regulations of the board. Any applicant who shall pass said examination to the satisfaction of the board shall receive therefrom a certificate of registration, signed by the president and secretary of the board, or by at least three members thereof.

Section 6, Act of May 1, 1909, P. L. 321.

8. Fee for Registration. Qualifications of Applicants. Reciprocity. State Educational Director of Training Schools for Nurses. Salary. On and after August first, one thousand nine hundred and fifteen, no application for registration shall be considered unless accompanied

by a fee of ten dollars. Every applicant to be eligible for examination must furnish evidence, satisfactory to the board, that he or she is twenty-one years of age or over, is of good moral character, and has graduated from a training school for nurses which gives at least a two years' course of instruction, or has received instruction in different training schools or hospitals for periods of time amounting to at least a two years' course, as aforesaid, and then graduated, and that such applicant during said period of at least two years, has received practical and theoretical training in surgical and medical nursing: Provided, That a graduate nurse registered in any State of the United States, where the requirements for registration, in the judgment of the registration board for nurses of this State, are at least equal to the requirements of law for such nurses in Pennsylvania, may, at the discretion of the board, be registered without examination, upon application in writing on forms provided by the board, and upon the payment of a fee of ten dollars: And provided further, That it shall be the duty of the said registration board to prepare and make a report for public distribution at intervals regulated by the by-laws of the said board, of all training schools or combinations of training schools that are approved by the board as possessing the necessary requirements for giving a pupil-nurse a full and adequate course of instruction: And provided further, That a State education director of training schools for nurses shall be appointed by the State Board of Examiners for the Registration of Nurses of the State of Pennsylvania. This appointee shall be a registered nurse, and under the direction of the board of examiners, and her duty shall be to assist in maintaining the necessary standards in the living, working, and educational conditions of training schools for nurses. The salary of the educational director shall be one thousand four hundred dollars (\$1,400) per year, and her railroad mileage, to be paid from the additional registration fee provided for in this act.

Section 3, Act of June 4, 1915, P. L. 809, amending Section 7, Act of May 1, 1909, P. L. 321.

The State Board of Examiners for Registration of Nurses has no authority to register, without examination, nurses who have been registered in other States but whose credentials fail to show that they are graduate nurses: Opinion of Deputy Attorney General Keller, 2 Dep. Rep. 147.

9. Registration of Nurses Graduating Before June 1, 1912. Fee for Registration. Any person, with the above qualifications regarding age and character, applying for registration before June one, one thousand nine hundred and twelve, who shall show to the satisfaction of the board that he or she has graduated from a reputable hospital or sanitarium or training school, where a systematic course of practical instruction in nursing has been given, or that he or she was,

at the passage of this act, a student in such an institution, and afterwards graduated therefrom, shall be entitled to registration without examination, upon payment of the fee of five dollars.

Section 8, Act of May 1, 1909, P. L. 321.

The State Board of Examiners for the Registration of Nurses has no right to register any nurse without examination, unless the application for such registration was filed prior to June 1, 1912, and unless the applicant had prior to that date graduated from a reputable hospital, sanitarium or training school: Kelly's Case, 41 Pa. C. C. 290.

10. Title of Nurse. Nursing by non Registered Persons not Prohibited. Not Permitted to Practice Medicine. Every nurse who shall receive a certificate of registration, under the provisions of this act, shall be entitled to be styled and known as a Registered Nurse, and it shall be unlawful for any other person to use said title, or any equivalent thereof. But this act shall not be construed so as to affect in any way the right of any person to nurse gratuitously or for hire: the purpose of this legislation being to secure the registration to those nurses only, who are properly qualified therefor. Nor shall anything herein contained be considered as conferring any authority to practice medicine, or to undertake the treatment and cure of diseases, in violation of the laws of the Commonwealth.

Section 9, Act of May 1, 1909, P. L. 321.

11. Penalties. After one year from the passage of this act, it shall be unlawful for any person, without said certificate of registration, to profess to be a registered nurse, or assume said title, or to use the abbreviation R. N., or any other letters or figures indicative of his or her being a registered nurse. Every person who shall violate any of the provisions of this section, or who shall wilfully make false representations to the said board in applying for registration as aforesaid, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than fifty nor more than two hundred dollars for each offense, and shall be disqualified for applying for registration for the period of five years from the commission of the offense. The said board may institute and assist in any prosecutions under the provisions of this act, and may use the funds in the treasury of the board in connection with such proceedings.

Section 10, Act of May 1, 1909, P. L. 321.

12. Revocation of Certificates of Registration. The said board may revoke any certificate of registration, for sufficient cause, in accordance with the by-laws and regulations of the board, and the secretary shall cause the name of the holder of such certificate to be stricken from the roll of registered nurses in his or her own possession and in that of the Secretary of the Commonwealth. But such revocation shall only be by unanimous vote of the members of

the board, after a full and fair hearing before the board, upon the question of revocation, and after thirty days' notice of the time and place of said hearing, and a copy of the charges preferred have been given to the holder of the certificate.

Section 11, Act of May 1, 1909, P. L. 321.

13. Reasons for Passage of Act. Whereas, Statistics show fully thirty (30) per cent. of cases of blindness to be due to inflammation of the eyes appearing a few days after birth; and, whereas, experience has proved that this inflammation can be cured, and the eyesight saved in the majority of cases, if the proper treatment be instituted at an early stage of the disease:—

Whereas to Act of June 5, 1913, P. L. 443.

14. Nurses to Report Cases of Inflamed, Etc., Eyes of Infants. Any [midwife, or] nurse, [or other person] having the care of an infant, whose eyes have become inflamed or swollen or reddened at any time within two weeks after birth, shall report the same in writing, to the health authorities of the city, borough, or township of the first class in which the case may be located; or, if it be located in a township of the second class, or a city, borough, or township of the first class, not having a board of health, or body acting as such, the State Department of Health, within six hours after the discovery thereof; giving the name of the infant, the names of the parents or guardians, and the street and number of their residence, or otherwise sufficiently designate the same; together with the fact that such inflammation or swelling or redness exists, and shall make a similar report in writing to some regularly qualified practicing physician of the district.

Section 2, Act of June 5, 1913, P. L. 443.

On same subject see also *Infra* Section 16.

15. Penalty. Any [physician, midwife,] nurse, [or other person] who shall violate any of the provisions of this act, shall, upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed, be sentenced to pay a fine of not less than twenty or more than one hundred (\$100) dollars, to be paid to the use of the said county, and the costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten (10) or more than thirty (30) days, or both, at the discretion of the court.

Section 6, Act of June 5, 1913, P. L. 443.

16. Duties of Nurses with Regard to Children Having Inflamed Eyes. Penalty. If at any time within two weeks after the birth of an infant, one or both of its eyes, or the eyelids, be reddened, inflamed, swollen, or discharging pus, the [midwife,] nurse, [or

person,] other than a legally qualified physician, in charge of such infant, shall refrain from the application of any remedy for the same, and shall immediately report such condition to the local health authorities, and, at the same time, to some legally qualified physician in the city, town or county wherein the infant is cared for. Any person or persons violating the provisions of this section, shall, on conviction, be punished by a fine not to exceed one hundred dollars, or by imprisonment in jail not to exceed six months, or by both fine and imprisonment, in the discretion of the court, alderman, magistrate, or justice of the peace.

Section 10, Act of June 14, 1911, P. L. 928.

On same subject see Sections 14 and 15, Supra.

17. Nurses not to Engage in Certain Practice. Emergency Cases. It shall be unlawful, on and after the passage of this act, for any [midwife,] nurse, [or person] other than a legally qualified physician, to attempt to administer an anesthetic, to attempt to deliver a retained placenta, to attempt to use forceps, to attempt version or any forcible delivery; but such [midwife,] nurse. [or person] shall, in all cases of labor that are not normal, notify a licensed practitioner of medicine: Provided, That nothing in this section shall apply in cases of emergency, where no duly licensed practitioner of medicine is readily obtainable.

Section 9, Act of June 14, 1911, P. L. 928.

18. Opium and Coca Leaves and Their Compounds and Derivatives. (Anti-Dope Law). See Pharmacists (e).

OPTOMETRISTS.

1. Reasons for Passage of Act. Whereas, The eyesight of the citizens of this Commonwealth is endangered by incompetent persons practicing optometry, and due regard for the safety and protection of the citizens demands that only authorized and qualified optometrists shall be permitted to practice optometry:—

Whereas to Act of March 30, 1917, P. L. 21.

2. Practice of Optometry Defined. The practice of optometry is hereby defined to be the employment of any means, other than the use of drugs, for the measurement of the powers of vision and the adaptation of lenses for the correction and aid of the vision of human beings.

Section 1, Act of March 30, 1917, P. L. 21.

3. No Person to Practice Optometry Unless Licensed. Penalty. On and after January first, one thousand nine hundred and eighteen, it shall not be lawful for any person in this Commonwealth to en-

gage in the practice of optometry or to hold himself out as a practitioner of optometry, or to attempt to determine by an examination of the eye the kind of glasses needed by any person, or to hold himself out as a licensed optometrist when not so licensed, or to hold himself out as able to examine the eyes of any person for the purpose of fitting the same with glasses, excepting those hereinafter exempted, unless he has first fulfilled the requirements of this act, and has received a certificate of licensure from the Board of Optometrical Education, Examination and Licensure created by this act; nor shall it be lawful for any person in this Commonwealth to represent that he is the lawful holder, of a certificate of licensure, such as is provided for in this act, when, in fact, he is not such lawful holder, or to impersonate any licensed practitioner of optometry, or to fail to deliver the certificate provided for in section six of this act.

Any person violating the provisions of this section shall be deemed to be guilty of a misdemeanor, and shall upon conviction be subject, upon his first offense, to a fine of not more than five hundred dollars, or imprisonment for not more than six months in the county prison, or both or either, at the discretion of the court; and, upon conviction on second or later offenses, shall be subject to a fine of not less than five hundred dollars, nor more than one thousand dollars, and imprisonment for not less than six months nor more than one year, at the discretion of the court.

Section 2, Act of March 30, 1917, P. L. 21.

4. Board of Optometrical Education, Examination and Licensure. Qualification of Members. Terms. Removals. Vacancies. Suits for Recovery of Penalties. Duty of District Attorney. For the purpose of carrying out and enforcing the provisions of this act, there shall be established in this Commonwealth a board, which shall be known as the Board of Optometrical Education, Examination and Licensure of the Commonwealth of Pennsylvania. The said board shall consist of seven members, who shall be appointed by the Governor of the Commonwealth on or before July first, nineteen hundred and seventeen. Each member shall receive a certificate of his appointment, signed by the Governor and attested by the Secretary of the Commonwealth. The members of this board shall be optometrists, citizens of this Commonwealth, who possess the requisite qualifications to practice optometry under this act, and who shall have been so practicing in this State during the five years next previous to their appointment. Two members of the board first appointed under this act shall serve for one year, two for two years, and three for three years, after which the successor of each member shall be appointed for the term of three years; but no member of said board shall be a member of the faculty of any undergraduate school or college teach-

ing optometry. The first appointees shall, by virtue of such appointment, receive certificates of licensure without examination. The Governor shall, by appointment, fill all vacancies caused by death, resignation, or otherwise; and may remove any member of said board for continued neglect of his duties in connection therewith, or for any unprofessional or dishonorable conduct. Appointments to fill vacancies shall be for the unexpired term of the deceased or retiring member. The board herein created is hereby charged with the enforcement of this act.

All suits for the recovery of the penalties prescribed in this act shall be prosecuted in the name of the State of Pennsylvania, in any court having jurisdiction; and it shall be the duty of the prosecuting attorney of the county where such offense is committed to prosecute all the persons violating the provisions of this act, upon proper complaint being made.

Section 3, Act of March 30, 1917, P. L. 21.

The respective terms of the several appointees to the board will in due course all be designated when nominations for their appointments are sent to the next Session of the Senate: Opinion of Deputy Attorney General Collins, 3 Dep. Rep. 2841.

5. Organization of Board. Rules and Regulations. Quorum. Meetings of Board. Authority to Administer Oaths. Compensation of Members. Said board shall effect its organization, immediately after the appointment of its members by the Governor, by holding a meeting at which it shall elect from its membership a president, and a secretary, who shall also be treasurer. It shall have authority to make rules and regulations, not inconsistent with the laws of this Commonwealth for the transaction of its business, and for the registration of all optometrists of this Commonwealth, and for conducting examination of applicants. Said rules shall be printed in pamphlet form for public distribution. Five members shall constitute a quorum for the transaction of all business, except for the revocation or suspension of a certificate of licensure, or the determination of the fitness of any school or college to render eligible its graduates for licensure, when the consent of a majority of the whole board shall be necessary. No license shall be granted under this act except with the approval of at least four members of the board. Said board shall meet at least twice a year, at Harrisburg. Any member may administer oaths and take testimony when appointed so to do by the board. The appointed members shall receive compensation at the rate of ten dollars and necessary expense for each day actually devoted to the work of the board.

Section 4, Act of March 30, 1917, P. L. 21.

6. Examinations. Every person desiring to commence the practice of optometry, or, if now in practice, to continue the practice

thereof after January first, one thousand nine hundred and eighteen, except as herein otherwise provided, shall take the examination provided in this act, and satisfy the other requirements hereof as here provided. Any person who has been engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of this act, or, for one year in this, and for the year preceding it in another, State, and is of good character, shall be entitled to take a limited examination covering the following only:

- (a) The limitation of the sphere of optometry;
- (b) The necessary scientific instruments used;
- (c) The form and power of lenses used;
- (d) A correct method of measuring presbyopia, hypermetropia, myopia and astigmatism;
- (e) The writing of formulae or prescriptions for the adaptation of lenses in aid of vision.

Any person over the age of twenty-one years, of good moral character, who has had a preliminary education equivalent to two years of the course of high school whose standard is approved by the bureau of Professional Education of the Department of Public Instruction,—which preliminary education shall be ascertained by examination, or by acceptable certificate as to credentials for work done in such approved institution,—and has graduated from a school or college of optometry, approved by the Board of Optometrical Education, Examination and Licensure, which maintains a course in optometry of not less than two years, and has afterwards studied optometry for at least one year in a licensed optometrist's office, shall be entitled to take a standard examination. Said standard examination shall consist of tests in practical, theoretical and physiological optics, in theoretical and practical optometry, and in the anatomy and physiology of the eye, and in pathology as applied to optometry: Provided, That any person, not less than twenty-one years of age, who is actually engaged in the practice of optometry at the time of the passage of this act, shall be entitled to take the standard examination, merely upon proof to the board that he is of good moral character and is not addicted to the intemperate use of alcohol or narcotic drugs.

Section 5, Act of March 30, 1917, P. L. 21.

The proviso of this Section which entitles a person to take the standard examination, who at the time of the passage of the act "was actually engaged in the practice of optometry" does not apply to one who is engaged in taking a course in the actual practice of optometry in connection with the course of instruction of some school giving a course in the actual practice of optometry, but it is to be construed as applying only to those who are actually engaged in the practice of optometry as an occupation or vocation: Opinion Deputy Attorney General Collins, 3 Dep. Rep. 2951.

The two years' practice of optometry required to entitle a person to take the "limited examination" must be two years prior to the date of the approval of the act.

The examination required to be taken on the subject of "The Limitation of the Sphere of Optometry" must be one restricted to that subject and that other subjects of examination cannot be included thereunder: Opinion of Deputy Attorney General Collins: 3 Dep. Rep. 2841.

A party is entitled to take the limited examination, provided for in this section if the Board finds that he was actually engaged for two full years continuously in the practice of Optometry as defined in said Act, whether the two years fell immediately preceding the passage of the Act or not. Opinion of Deputy Attorney General Collins, 3 Dep. Rep. 3327.

7. Applications for Examinations. Effect of Failure at Examinations. Certificate of License. Certificates to be Registered in Prothonotary's Office. Every person desiring to be licensed, as in this act provided, shall file with the secretary of said board, upon appropriate blank to be furnished by said secretary, an application, verified by oath, setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act. The said board shall hold at least two examinations each year. In case of failure at any standard examination, the applicant, after the expiration of six months and within two years, shall have the privilege of a second examination by the board, without the payment of an additional fee. In case of failure at any limited examination, the applicant shall have the privilege of continuing the practice of optometry, and of taking a second examination without the payment of an additional fee. But, in the event of his failure to pass the second examination on or before July first, one thousand nine hundred and eighteen, he shall thereafter cease to practice optometry in this Commonwealth. Every applicant who shall pass the standard examination or the limited examination, as the case may be, and who shall otherwise comply with the provisions of this act, shall receive from the said board, under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth; which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose, which shall be open to public inspection; and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case. Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place, in the office or place of business wherein said person shall practice optometry, together with the photograph of said person attached to the lower right-hand corner of said certificate, and shall whenever required exhibit the said certificate to any member or agent of the said board. Peddling from door to door, or the establishment of temporary offices, is specifically forbidden, under penalty of revocation of cer-

tificate by said board. Whenever any person shall practice optometry outside, or away from his office or place of business, he shall deliver to each person fitted with glasses by him a certificate, signed by him, wherein he shall set forth the amount charged, his post-office address, and the number of his certificate. Each person to whom a certificate has been issued by said board shall, before practicing under the same, register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry, and shall pay therefor such fee as may be lawfully chargeable for such registry. The prothonotary in each county shall keep a certificate registration book, wherein he shall promptly register each certificate for which the fee is paid.

Section 6, Act of March 30, 1917, P. L. 21.

8. Examination Fees. Registration Renewals. Revocation of Certificates. Retirement from Practice. Seal. Office. Records. Supplies. Printing. Said Board of Optometrical Education, Examination, and Licensure shall charge the following fees for examination, registration, and renewals of certificates: The sum of twenty-five dollars for a standard examination, and ten dollars for a limited examination. Every registered optometrist who desires to continue the practice of optometry shall annually, on or before the first day of January, pay to the secretary of the board a renewal registration fee of two dollars per annum, for which he shall receive a renewal of his certificate.

In case of neglect to pay the renewal registration fee herein specified, the board may revoke such certificate, and the holder thereof may be reinstated by complying with the conditions specified in this act. But no certificate or permit shall be revoked without giving sixty days' notice to the delinquent, who, within such period, shall have the right of renewal of such certificate, on payment of the renewal fee with a penalty of five dollars. Provided, That retirement from practice for a period not exceeding five years shall not deprive the holder of said certificate of the right to renew his certificate on the payment of all lapsed fees.

The board shall adopt a seal and certificate of suitable design, and shall have an office at Harrisburg, in this Commonwealth, where examinations may be held, and where all its permanent records shall be kept, which shall be open to public inspection. It shall have power to make requisition upon the proper State officials for office rooms, and supplies, including stationery and furniture. All printing and binding necessary for the work of the said board shall be done by the State Printer, upon an order issued by said board, through its president and secretary, to the Superintendent of Public Printing and Binding.

Section 7, Act of March 30, 1917, P. L. 21.

9. Purposes for Which Fees may be Used. Audit of Accounts. Bond of Treasurer. All fees received by said board for examination, or from any other source, shall be utilized in regulating the practice of optometry and paying the expenses of the board, including necessary clerk hire, as provided for in this act; any surplus to be turned over to the State Treasurer at least once in each twelve months. An annual audit of the accounts of the board shall be made by the Auditor General of the Commonwealth. The treasurer of said board shall give a bond to the Commonwealth of Pennsylvania, in the sum of two thousand five hundred dollars, for the faithful performance of his duties; said bond to be approved by the Board of Optometrical Education, Examination, and Licensure, and by the Attorney General of the Commonwealth, who shall be custodian of the bond.

Section 8, Act of March 30, 1917, P. L. 21.

10. Reasons for Refusing to Grant Certificates and for the Revocation of Certificates. Hearings. The Board of Optometrical Education, Examination, and Licensure shall refuse to grant a certificate of licensure to any applicant, and may cancel, revoke, or suspend the operation of any certificate by it granted, for any or all of the following reasons; to wit,—The conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits or stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of the duties of an optometrist. The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked.

Any person who is the holder of a certificate of licensure, or who is an applicant for examination for a certificate of licensure, against whom is preferred any charge, shall be furnished by the board with a copy of the complaint, and shall have a hearing before the board, at which hearing he may be represented by counsel. At such hearing witnesses may be examined for and against the accused respecting the said charges, which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth. The suspension of a certificate of licensure, by reason of the use of stimulants or narcotics, may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry.

Section 9, Act of March 30, 1917, P. L. 21.

11. Reciprocity With Other States. Fees. An applicant for a certificate of licensure who has been examined by the State Board of Optometrical Examiners of another State, which through reciprocity similarly accredits the holder of a certificate issued by the Board of Optometrical Education, Examination, and Licensure of this Commonwealth to the full privileges or practice within such

State, shall, on the payment of a fee of twenty-five dollars to the said board, and on filing in the office of the board a true and attested copy of the said license, certified by the president or secretary of the State board issuing the same, and showing that the standard of requirements adopted and enforced by said board is equal to that provided for by this act, shall, without further examination, receive a certificate of licensure: Provided, That such applicant has not previously failed at an examination held by the Board of Optometrical Education, Examination, and Licensure of this Commonwealth.

Section 10, Act of March 30, 1917, P. L. 21.

12. Act not to be Construed as Conferring Certain Titles. Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor, oculist, ophthalmologist, or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery, or the treatment or diagnosis of diseases of or injuries to the human eye, or the right to use drugs, or medicines in any form for the treatment or examination of the human eye.

Section 11, Act of March 30, 1917, P. L. 21.

13. Application of Act. The provisions of this act shall not apply: (a) To the physicians or surgeons practicing under authority of license issued, under the laws of this Commonwealth, for the practice of medicine or surgery; or (b) To persons selling spectacles and eyeglasses, but who do not assume, directly or indirectly, to adapt them to the eye, nor neither practice or profess to practice optometry.

Section 12, Act of March 30, 1917, P. L. 21.

This Section does not exempt any "chiropractic" or "osteopath" and such practitioners must comply with the requirements of the act: Opinion of Deputy Attorney General Collins, 3 Dep. Rep. 3180.

14. When Act to Take Effect. This act shall take effect and be in full force from the date of the appointment of the said board by the Governor as herein provided.

Section 13, Act of March 30, 1917, P. L. 21.

This act went into effect and full force on the date of the appointment by the Governor of the Board, which date may be definitely ascertained upon inquiry to the Secretary of the Commonwealth: Opinion of Deputy Atty. Gen. Collins, 3 Dep. Rep. 2841.

15. Definitions of Certain Terms. Whenever in this act the singular number is used, it shall be interpreted as meaning both singular and plural, if compatible with the sense of the language used, and vice versa; and wherever in this act the masculine gender is used, it shall be construed as comprehending also the feminine gender.

Section 14, Act of March 30, 1917, P. L. 21.

16. Repeals. All acts or parts of acts inconsistent with this act are hereby repealed; it being intended that this act shall furnish a complete and exclusive system, of and in itself, for obtaining the right to practice optometry in the Commonwealth of Pennsylvania, and for the regulation of the practice of optometry therein.

Section 15, Act of March 30, 1917, P. L. 21.

ORNITHOLOGISTS.

1. Game Laws not to Apply to Ornithologists. Board of Game Commissioners to Grant Certificates to Ornithologists. The game laws of this Commonwealth shall not be construed to apply [to any public zoological garden of the State, or to any public institution of the State wherein animals or birds may be maintained alive, for educational purposes or] for the purpose of scientific study or experiment; or to the Board of Game Commissioners, or to its duly authorized agent acting for the State; [and no law shall be held to prevent the Board of Game Commissioners, through its duly authorized agent, from destroying birds or animals destructive to game, in such manner as they may direct.] Nor shall the penalties as attached to any game law be construed to apply to any person legally acting under the provisions of a certificate issued by the Board of Game Commissioners, as provided for in this act; in which case the holders of such certificates shall be limited to the rights and privileges therein named.

The said board shall be empowered to grant certificates, at their discretion, which shall be good for the term of one year from their date and shall not be transferable. These certificates may be issued to any person of known scientific attainment in ornithology, within the Commonwealth, [or to the agent of any public museum in this Commonwealth,] or to a teacher of ornithology in any school within this Commonwealth, authorizing the holder thereof to take birds, their nests, and eggs for strictly scientific study; [or to any person desiring to raise game in captivity for propagation purposes, within the State; or to a person desiring to own or sell ferrets, or to a person qualified to practice taxidermy;] and at the expiration of any of these licenses, the holder shall file a sworn statement, covering all his transactions under such license, before a renewal license may be granted in accordance with the following provisions.

Section 3, Act of June 7, 1917, P. L. 572.

2. Character of Certificates, to be Issued. Rights of Holders Thereof. Penalties. A certificate, to be known as an ordinary certificate, may be granted by the Board of Game Commissioners to any properly accredited person, residing within the Commonwealth [and legally authorized to act as the agent of any public museum within the Commonwealth; or to any one residing within the Common-

wealth,] who is a teacher of ornithology in any school within the Commonwealth, permitting the holder thereof to collect wild birds other than game-birds, their nests and eggs, for mounting, for strictly scientific study, but not for sale or exchange, or shipment from or removal out of this Commonwealth, without the written consent of the president of the Board of Game Commissioners. The number of birds that may be taken under a certificate of this character shall be limited to eight of each species with nests to the number of two and the eggs found therein.

A certificate, to be known as a special certificate, to take birds for strictly scientific study, may be issued by the Board of Game Commissioners, and shall be controlled by the same conditions and requirements as the ordinary certificate, excepting that such certificate may be issued only to a person, residing within the Commonwealth, of known scientific attainment in ornithology; in which case the holder thereof shall be authorized to take the wild birds and animals of this State, without limitation, for strictly scientific study or experiment, but not for sale or exchange, or shipment from or removal out of the State, without the written permission of the president of the Board of Game Commissioners.

Persons having either of the above certificates, and taking a greater number of birds, their nests or eggs, than is permitted by this act, or the shipping of the same out of the State, or the sale of skins of such birds or parts thereof, either mounted or otherwise, excepting as herein provided, or in any manner violating any provision of this act, shall be subject to the penalties prescribed by existing law, in the same manner and to the same extent as though no certificate had been issued. Upon the conviction of the principal, therein named, of having violated any provision of this section relative to either of these certificates, the certificate shall become void, and the holder of such recalled certificate shall be denied a renewal thereof for a period of three years.

In order to secure either an ordinary or a special certificate, the person desiring same shall file with the secretary of the Board of Game Commissioners a petition asking that such privilege be granted to him, and shall pay to said secretary one dollar.

Section 4, Act of June 7, 1917, P. L. 572.

OSTEOPATHS.

1. **Board of Osteopathic Examiners.** There shall be established a Board of Osteopathic Examiners for the State of Pennsylvania. The Board shall consist of five members, and each of said members shall serve for a term of three years from the first day of August next after his appointment, or until his successor is appointed, with the exception of those first appointed, who shall serve as follows; namely,

two for one year, two for two years, and one for three years, from the first day of August, Anno Domini one thousand nine hundred and nine. Each member of the said board shall be a graduate of a legally incorporated and reputable college of osteopathy, and shall have been licensed to practice osteopathy under the laws of this State,—excepting in the case of the first board, which shall be appointed as provided for in section three,—and shall not be in any manner financially interested in, or connected with, the faculty or management of any osteopathic school or college, and shall have been engaged in the practice of osteopathy in this State for a period of at least three years.

Section 1, Act of March 19, 1909, P. L. 46.

2. Examiners to be Appointed from Among Members of Pennsylvania Osteopathic Association. The Governor shall appoint the members of said Board of Examiners, from a full list of the members in good standing of the Pennsylvania Osteopathic Association who are eligible for appointment upon said Board of Osteopathic Examiners; which list shall, on or before the first day of May, one thousand nine hundred and ten, and annually thereafter, be transmitted to the Governor, under the seal and signed by the president and secretary of the said association, from which list the Governor shall make further appointments to the State Board of Osteopathic Examiners. In case of failure of said Osteopathic Association to submit said list, as aforesaid, the Governor shall appoint members in good standing of said Osteopathic Association, without restriction: Provided however, That said members shall be qualified, as aforesaid, by graduation and practice.

Section 2, Act of March 19, 1909, P. L. 46.

3. List of Members of Pennsylvania Osteopathic Association to be Certified to Governor. When Appointments to be Made. Terms of First Appointees. Vacancies. Powers of Board. Within fifteen days after the approval of this act, the secretary of the Pennsylvania Osteopathic Association shall transmit to the Governor of this State a full list of the members in good standing of said association, who are eligible for licensure under the provisions of this act, and shall not be in any manner financially interested in, nor connected with, the faculty or management of any osteopathic school or college, and shall have been engaged in the practice of osteopathy in this State for a period of at least three years; and within thirty days from the receipt of said list, the Governor shall appoint, from said list, five persons who shall serve upon the first board.

The Governor shall, in his first appointments, designate the number of years for which each appointee shall serve. In case of vacancy, by death or otherwise, there shall be appointed, in like manner, a person to serve through such unexpired term. Each person who

shall be appointed to serve on said Board of Osteopathic Examiners shall receive a certificate of appointment from the Secretary of the Commonwealth. Each and every member of said board shall, within ten days after appointment, on being apprised of the same, take and subscribe an oath or affirmation before the Secretary of the Commonwealth to faithfully and impartially perform the duties of said office.

The board shall be authorized to take testimony concerning all matters within its jurisdiction, and the presiding officer for the time being of the said board, or any of the committees thereof, may issue subpoenas and administer oaths to witnesses. The Board of Examiners shall make and adopt all necessary rules, regulations, and by-laws, not inconsistent with the Constitution and laws of the State or of the United States, whereby to perform the duties and transact the business required under the provisions of this act.

Section 3, Act of March 19, 1909, P. L. 46.

4. Meetings of Board. Organization. The first meeting of the said Board of Osteopathic Examiners shall be held on the first Tuesday of August, one thousand nine hundred and nine, at Harrisburg, and subsequent meetings for organization, in August, annually: suitable notice in the usual form being given by the secretary of the board to each of the members thereof, specifying the time and place of meeting.

At the first meeting of the board, and at each annual meeting in August, an organization shall be effected by the election from its membership of a president, a secretary, and a treasurer.

Section 4, Act of March 19, 1909, P. L. 46.

5. Examinations. For the purpose of examining applicants for license, the said Board of Osteopathic Examiners shall hold two stated meetings in each year, due notice of which shall be made public, at such times and places as the board may determine. At said meetings a majority of the members of the board shall constitute a quorum thereof; but the examination may be conducted by a committee of one or more members of the Board of Examiners, duly authorized by said board; but no license to practice osteopathy shall be granted on an affirmative vote of less than three. Said examinations shall be conducted in writing, in accordance with the rules and regulations prescribed by the State Board of Osteopathic Examiners, and may be supplemented by practical examinations at the bedside in available eleemosynary or other institution, the laboratory, and by practical tests upon the human cadaver, and shall embrace the subjects named in section eight of this act. After each such examination the committee having charge thereof shall, without unnecessary delay, act upon the same. An official report of such action, signed by each acting member of said committee of examiners, stating the examination average of each candidate in

each branch, the general average, and the result of the examination, whether successful or unsuccessful, shall be transmitted to the said State Board of Osteopathic Examiners. Said report shall embrace all the examination papers; questions, and answers thereto, and such written reports as result from the practical tests as hereinbefore specified. All such examination papers and reports shall be kept for reference and inspection, for a period of not less than five years. The board shall keep a record of its proceedings, and a register of all applicants for license; giving the name and location of the institution granting the applicant the degrees of doctor of, or diplomat in osteopathy; the date of his or her diploma; and also whether the applicant was rejected or granted a license, and the number of the license granted. The record and register shall be prima facie evidence of all matters recorded therein.

Section 5, Act of March 19, 1909, P. L. 46.

6. Fees to be Paid to Treasurer. Compensation of Members of Board. All fees provided by this act shall be paid in advance to the treasurer of the board, to be by him held as a fund for the use of the State Board of Osteopathic Examiners. The compensation and expenses of the members and officers of said board, and all expenses proper and necessary, in the opinion of said board, to discharge its duties under and to enforce the law, shall be paid out of such fund, upon the warrant of the president and secretary of said board; and no expense shall be created to exceed the income of fees and fines as herein provided. The salaries shall be fixed by the board; but shall not exceed fifteen dollars per day of actual service, per member, and railroad and hotel expenses.

Section 6, Act of March 19, 1909, P. L. 46.

7. Licensing of Practitioners. Licenses to Practice. Reciprocity With Other States. Any person who is engaged in the practice of osteopathy in this State at the time of the approval of this act may deliver to the Secretary of the Board of Osteopathic Examiners, within ninety days after the approval of this act, a written application for license to practice osteopathy, together with satisfactory proof that the applicant is not less than twenty-one years of age, is of good moral character, and has obtained a diploma from some legally incorporated, reputable osteopathic college, requiring a course of study of at least four terms of five months each for graduation; and upon the payment by the applicant of a fee of ten dollars, the Secretary of the said Board of Osteopathic Examiners shall issue to such applicant a license to practice osteopathy in this State, which license shall be subscribed by every member of the Board of Osteopathic Examiners, and shall have a like effect, for all purposes, as a license issued after examination by the Board of Examiners, as hereinafter provided.

Every license to practice osteopathy, issued under the provisions of this act, shall be signed by each member of the Board of Examiners; and shall have affixed to it, by the person authorized to affix the same, the seal of the State Board of Osteopathic Examiners. Before said license shall be issued, it shall be recorded in a book to be kept by the Secretary of the Board of Examiners; and the number of the books, and the page therein containing such recorded copy, shall be noted upon the face of said license. Said records shall, under proper restrictions for their safe-keeping, be open to public inspection: Provided further, That anyone who has been in continuous practice of osteopathy for ten years in some other State, and who graduated from a legally incorporated and reputable college of osteopathy, as provided for in this act, may be granted a license, without further examination, after complying with all the other conditions provided for in the licensing of osteopaths in practice in this State at the time of the approval of this act.

Section 7, Act of March 19, 1909, P. L. 46.

8. Licensing of Practitioners. Any candidate for license to practice osteopathy in Pennsylvania, who shall present his application to the State Board of Osteopathic Examiners, and shall show to the satisfaction of the board that he was, before the first day of July, one thousand nine hundred twelve, a graduate from a legally incorporated and reputable college of osteopathy, and that the standard of requirements for graduation in such college, at the time of his graduation, was substantially the same as provided in section eight of the act to which this act is a supplement, shall be eligible to license under all the provisions of this act, in the same manner as candidates for license to practice osteopathy who made application prior to the first day of January, one thousand nine hundred twelve.

Section 1, Act of April 28, 1915, P. L. 195.

9. Applicants for Licensure. From and after the approval of this act, any person not theretofore authorized to practice osteopathy in this State, and desiring to enter upon such practice, may deliver to the Secretary of the State Board of Osteopathic Examiners, upon the payment of a fee of twenty-five dollars, a written application for license, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a preliminary education as hereinafter provided, and has received a diploma conferring the degree in osteopathy from some legally incorporated, reputable osteopathic college of the United States, or some foreign country, wherein the course of instruction consists of at least three separate years of not less than nine months in each separate year. Applicants who receive their degree in osteopathy after the first day of January, Anno Domini one thousand nine hundred and twelve, must have pursued the study of osteopathy for

four years, of at least eight months in each year, in four different calendar years, the work of each year having been successfully passed in some legally incorporated, reputable osteopathic college or colleges, prior to the granting of said diploma or foreign license: Provided, further, That any one who is in the practice of osteopathy in some other State at the time of the approval of this act, and who is a graduate from a reputable and legally incorporated college of osteopathy, providing a course of study of at least four terms of five months each, shall be eligible for examination, upon all other terms and conditions provided for applicants for examination under the provisions of this act: And provided further, That the completion of the regular four years' course and graduation from a reputable literary college, in which four years' course two years were devoted to scientific and biological work in the college, shall be accepted by the State Board of Osteopathic Examiners as an equivalent for the first year in a recognized, reputable osteopathic college: Provided, That the examinations of the first year of the said osteopathic college have been successfully passed, and accepted by the osteopathic college as dealing adequately with chemistry, toxicology, physics, physiology, anatomy, and the biologic sciences. Such proof shall be made, if required, on affidavit. Upon the making of said payment and proof, the State Board of Osteopathic Examiners, if satisfied with the same, shall admit said applicant to examination as to his other qualifications for the practice of osteopathy; which examination shall include the subjects of anatomy, physiology, chemistry, toxicology, pathology, diagnosis, hygiene, obstetrics, and gynecology, surgery, principles and practice of osteopathy, and such other subjects as the board may require. On receiving from the committee of examiners, delegated to conduct examinations as provided for in section five of this act, official report of the examination of any applicant for license, the said State Board of Osteopathic Examiners shall issue, forthwith, to each applicant who shall have obtained a general average of not less than seventy-five per centum, and therefore has been returned as having successfully passed said examination, and who shall have been adjudged by the said Board of Examiners to be duly qualified for the practice of osteopathy, a license to practice osteopathy in the State of Pennsylvania, as provided for in section ten of this act. In case of failure at any such examination, the candidate, after the expiration of six months, and within two years, shall have the privilege of a second examination. Having failed upon a second examination, as herein provided, application de novo may be made, upon complying with the standard of qualification, both as to character, preliminary and osteopathic education, in force at the time of said application, and upon the payment of a fee of twenty-five dollars.

Section 1, Act of May 17, 1917, P. L. 229, amending Section 8, Act of March 19, 1909, P. L. 46.

10. Schools and Colleges of Osteopathy. Licensing of Certain Practitioners. A school or college of osteopathy to be recognized as reputable, under the provisions of this act must be legally incorporated, maintain a course of study consisting of the time element as provided for under the provisions of this act, and afford adequate instruction in all the branches of study in which examinations are required for licensure under the provisions of this act, subject to the approval and acceptance of a majority of the Board of Osteopathic Examiners of this Commonwealth: Provided, That any registered osteopath who has been engaged in the practice of osteopathy in this State for eight continuous and consecutive years prior to the approval of this act, who shall exhibit his or her certificate of registration to the Secretary of the Board of Osteopathic Examiners; and shall satisfy said board that he or she has actually attended a post-graduate course of osteopathic instruction at some college recognized as reputable by said board, said course to consist of not less than one term of nine continuous months, with not less than an average of twenty-four hours instruction a week, and that said applicant has passed the examinations of said course under the supervision of said board upon the payment by the applicant of a fee of twenty-five dollars, the said board shall forthwith issue to such applicant a license to practice osteopathy in this State, which license shall be subscribed by every member of the Board of Osteopathic Examiners, and shall have a like effect for all purposes as a license issued after examination by said board. Such licensee shall register in the office of the prothonotary of the court of common pleas of the county or counties in which he or she desires to practice, as required by section thirteen of the act hereby amended; but, after the date of the approval of this amendment, no person shall be registered as a practitioner of osteopathy, in this Commonwealth, except by exhibiting to the prothonotary of the county or counties in which he or she desires to practice a license duly granted to him or her by the Board of Osteopathic Examiners for the State of Pennsylvania.

Section 1, Act of June 1, 1915, P. L. 687, amending Section 9, Act of March 19, 1909, P. L. 46, as amended by Act of May 11, 1911, P. L. 241.

11. Practitioners of Other States, Candidates for Licenses to Practice Prior to January 1, 1912. Applicants examined and licensed by the State Boards of Osteopathic Examiners of other States, on the payment of a fee of fifty dollars to the State Board of Osteopathic Examiners, and filing in the office of the State Board of Osteopathic Examiners a copy of said license, certified by the affidavit of the president or secretary of such board, showing also that the standard of requirements adopted by said board of examiners is substantially

the same as is provided by section eight of this act, shall, without further examination, receive a license conferring on the holder thereof all the rights and privileges provided by section eleven of this act.

Candidates for license to practice osteopathy in this State, who present their applications and undergo examination after the first day of January, Anno Domini one thousand nine hundred and twelve, shall be obliged to present to the State Board of Osteopathic Examiners one of the following credentials, satisfactory to the said board, covering their preliminary education prior to their beginning the study of osteopathy in some legally incorporated reputable osteopathic college; to wit, A diploma of graduation from a reputable college or university granting the degree of bachelor of arts or science, or equivalent degree; or a diploma of graduation from an educational institution maintaining a four years' course of study equivalent to a standard four year high school course; that is, a State Normal School or a high school, a seminary, an academy or a college preparatory school; or a certificate of having passed examination for admission to the freshman class of a reputable literary or scientific college or university; or a certificate of having passed an equivalent examination conducted by the Bureau of Professional Education. Nothing herein shall be construed as being incompatible with the following additional requirement; namely, That the preliminary education shall include one year's credits in physics, chemistry, and biology, as approved by the Bureau of Professional Education.

Section 2, Act of May 17, 1917, P. L. 229, amending Section 10, Act of March 19, 1909, P. L. 46, as amended by Act of May 11, 1911, P. L. 241.

12. Licensees Authorized to Practice Osteopathy. The license provided for in this act shall authorize the holder thereof to practice osteopathy as taught and practiced in the legally incorporated, reputable colleges of osteopathy, as provided for in this act.

Section 11, Act of March 19, 1909, P. L. 46.

13. Osteopathic Physicians to be Subject to Certain Laws. Osteopathic physicians shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, the same as physicians of other schools, and such reports shall be accepted by the officers or department to whom the same are made.

Section 11, Act of March 19, 1909, P. L. 46.

14. Licenses to be Registered with Prothonotary. Failure to Comply with Act. Penalty. From and after the approval of this act, no person shall enter upon or continue the practice of osteopathy in the State of Pennsylvania unless he or she has complied with the

provisions of this act, and shall have exhibited to the prothonotary of the court of common pleas of the county in which he or she desires to practice osteopathy a license duly granted to him or her, as hereinbefore provided; whereupon he or she shall be entitled, upon the payment of one dollar, to be duly registered in the office of the prothonotary of the court of common pleas of the said county; and any person who shall practice or attempt to practice osteopathy, as defined in section eleven of this act, in treating diseases or any ailment whatsoever of the human body, or who shall use any of the terms of letters,—osteopath, osteopaths, osteopathy, doctor of osteopathy, diplomat in osteopathy, or D. O.,—or any other titles or letters, under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of osteopathy, without having first obtained the license herein provided for, or contrary to the provisions of this act; or who shall, under any other term or name, practice or attempt to practice, osteopathy as defined in section eleven of this act; or who, for the purpose of obtaining such license, shall falsely represent himself or herself to be the holder of a diploma, as herein provided,—shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the court of quarter sessions of the county wherein the offense shall have been committed, shall pay a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, for each offense, either or both, at the discretion of the court: Provided, however, That nothing contained in this act shall be construed as affecting the so-called practice of medicine.

Section 13, Act of March 19, 1909, P. L. 46.

15. Refusal to Grant and Revocation of Licenses. On and after the approval of this act, the State Board of Osteopathic Examiners shall refuse to grant a license to an applicant to practice osteopathy in this State, and is empowered to revoke a license conferring on a person the right to practice osteopathy, upon the presentation to said State Board of Osteopathic Examiners of a court record showing the conviction, in due course of law, of said person for procuring, aiding, or abetting in procuring a criminal abortion or miscarriage, by any means whatsoever. The State Board of Osteopathic Examiners, upon such evidence and proof, shall cause the name of said convicted licentiate to be removed from the record in the office of any prothonotary in the State. The State Board of Osteopathic Examiners may refuse, revoke, or suspend the right to practice osteopathy in this State upon any or all of the following reasons: to wit, The conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits or stimulants, narcotics or any other substance which impairs intellection and judgment, to

such an extent as to incapacitate the performance of professional duties. Any person who is a licentiate under this act, or who is an applicant for examination for licensure to practice osteopathy in this State, against whom any of the foregoing charges are preferred, for causing the revocation or suspension of license or for causing the refusal of the right to be examined for licensure, shall be furnished by the State Board of Osteopathic Examiners with a copy of the complaint, and shall have a hearing before said board, in person or by attorney, and witnesses may be examined by said board respecting the guilt or innocence of said accused. The suspension of license of any licentiate under this act shall be removed when said narcotic or vicious habit, hereinbefore specified, shall have been adjudged by the proper authorities to be cured or overcome, and said suspended licentiate deemed again capable of practicing the healing art.

Section 14, Act of March 19, 1909, P. L. 46.

PAWN BROKERS.

See Brokers (a. b. c.).

PEDDLERS.

See Hawkers and Peddlers.

PHARMACISTS.

(a) Pennsylvania Board of Pharmacy. Pharmacists and Assistant Pharmacists.

1. Definitions of Certain Terms. Saving Clause as to Pharmacists Registered Under Prior Laws. (a) The term "pharmacy," when not otherwise limited, shall, for all purposes of this act, be taken to mean a retail drug store, or any place where drugs, medicine, or poisons are compounded, dispensed, prepared, or sold at retail; (b) the term "drug," as used in this act shall include all medicine and preparations recognized in the United States Pharmacopeia, the National Formulary or the American Homeopathic Pharmacopoeia, for internal and external use, and any other substance or mixture of substance, intended to be used for the cure, mitigation, or prevention of disease of either man or other animals; (c) the term "pharmacist," shall, for all purposes of this act, be deemed to mean a person who is properly registered, in accordance with this act of Assembly, as a pharmacist; (d) the term "assistant pharmacist" shall, for all the purposes of this act, be deemed to mean a person who is properly registered, in accordance with this act of Assembly, as an assistant pharmacist: Provided, however, That all persons registered as pharmacists or assistant pharmacists by the State Pharmaceutical

Examining Board of Pennsylvania, under the act of May twenty-fourth, one thousand eight hundred and eighty-seven, and various supplements and amendments, entitled "An act to regulate the practice of pharmacy and sale of poisons, and to prevent adulterations in drugs and medicinal preparations, in the State of Pennsylvania," shall be deemed to be pharmacists or assistant pharmacists, respectively, registered under this act.

Section 1, Act of May 17, 1917, P. L. 208.

In addition to Pharmacists registered under the Act of May 24, 1887, P. L. 189, registrations were also provided for by the Acts of May 4, 1889, P. L. 80; June 9, 1911, P. L. 727; and May 23, 1913, P. L. 344. The names of all pharmacists who were entitled to practice prior to the passage of this act should appear upon the book of registration in the possession of the State Pharmaceutical Examining Board, which, under this act, becomes the Pennsylvania Board of Pharmacy.

2. Pennsylvania Board of Pharmacy Established. Qualification of Members. State Pharmaceutical Examining Board to Constitute New Board. Term of Members. Compensation. Officers of Board. Oaths. Employes of Board. Vacancies. There shall be established in the State of Pennsylvania a board to be known as The Pennsylvania Board of Pharmacy, to consist of five persons, three of whom shall constitute a quorum, who shall be appointed for the term of five years by the Governor, from among the most skilful pharmacists in Pennsylvania, who are not teachers or instructors in any educational institution teaching pharmacy; each appointee must have been registered as a pharmacist in Pennsylvania for at least ten years previous to his appointment, and he must be actually engaged in conducting a pharmacy at the time of his appointment: Provided, Whereas a State Pharmaceutical Examining Board has heretofore been created in this Commonwealth, and is now instituted and organized as provided in this act of Assembly, the members of the said board heretofore created shall constitute and henceforth be deemed and taken to be the Pennsylvania Board of Pharmacy established by this act of Assembly.

That the appointed members of said board heretofore created shall, respectively, continue to hold office as members of the board established by this act of Assembly until the expiration of the term for which each was originally appointed. The members of said board shall be paid ten dollars per diem and their necessary expenses when actually engaged in the performance of the duties of the board.

The officers of said board shall be a president, vice-president, secretary and treasurer, all of whom shall be elected annually from among their number. The salary of the said secretary shall be a reasonable amount, to be determined by the Pennsylvania Board of Pharmacy. The members of said board shall, within ten days of their appointment, take and subscribe an oath or affirmation, before a

properly qualified officer of the county in which they reside, that they will faithfully and impartially perform the duties of their office, which oath or affirmation shall be filed with the Secretary of the Commonwealth.

And the said board shall have the right to employ chemists, assistant chemists, agents, and clerks for the purpose of carrying out the terms and conditions prescribed by this Act of Assembly. Any vacancy occurring in the said board shall be filled by the Governor, from among such only as are eligible for appointment under this Act of Assembly: Provided, however, If the office of a member shall become vacant before the expiration of the term for which said member was appointed, the vacancy shall be filled by an appointment by the Governor for the unexpired term only.

Section 2, Act of May 17, 1917, P. L. 208.

3. Meetings of Board. Duties. The Pennsylvania Board of Pharmacy shall meet at least four times a year in the city of Harrisburg, or such other places in Pennsylvania as they may deem expedient, and examine all persons in the science of pharmacy and its allied branches who shall make application for registration as pharmacists or assistant pharmacists; and that the said Pennsylvania Board of Pharmacy, or a majority of them, shall grant to such persons as may be qualified registration and certificates of competency and qualification, which shall entitle the holders thereof to all the privileges of a pharmacist or assistant pharmacist under the provisions of this act, as may be specified therein.

Section 3, Act of May 17, 1917, P. L. 208.

4. Applicants for Examination and Registration as Pharmacists and Assistants. Every person applying to the Pennsylvania Board of Pharmacy for examination and registration as a pharmacist shall be not less than twenty-one years of age and of good moral character; and must produce satisfactory evidence of having had not less than four years' practical experience in a pharmacy, under the personal supervision of a pharmacist, at least two years of which experience must have been acquired within the United States, in the business of retailing, compounding or dispensing of drugs, chemicals and poisons, and of compounding of physicians' prescriptions; or, in the case of an applicant having acquired experience in the drug dispensary of a regular public hospital, which dispensary was conducted under the constant supervision of a registered pharmacist, two years of such experience shall be allowed in lieu of two years required in a pharmacy and of being a graduate of some reputable and properly chartered college of pharmacy,—so recognized by the Pennsylvania Board of Pharmacy,—of this or some other state, or any foreign country, whose pharmacy licensing board or other authority, recognizes the graduates of the reputable and properly

chartered colleges of pharmacy of this State and admits the graduates of all such colleges to its pharmacy licensure examinations. And every person applying for registration as qualified assistant shall be not less than eighteen years of age, and of good moral character; and must produce satisfactory evidence of having had not less than two years' practical experience, as defined and provided in this section.

Section 4, Act of May 17, 1917, P. L. 208.

5. Fees for Examination and Registration. Each applicant for examination and registration as a pharmacist shall pay to the Pennsylvania Board of Pharmacy an examination fee of five dollars (\$5.00). If the said applicant passes a satisfactory examination and complies with the rules and regulations, and with the terms and conditions of this Act of Assembly, then the said board shall grant the applicant registration, and a certificate of competency and qualification as a pharmacist, upon the payment of a fee of twelve dollars (\$12.00): Provided, Said fee shall be paid to the said board within thirty days of the time that the said applicant is notified that a satisfactory examination has been passed.

Each applicant for examination and registration as assistant pharmacist must pay a fee of three dollars (\$3.00) to the Pennsylvania Board of Pharmacy; and if the said applicant passes a satisfactory examination, and complies with the rules and regulation of the Pennsylvania Board of Pharmacy for the enforcement of this Act of Assembly, and with the terms and conditions of this Act of Assembly, the said board shall grant the said applicant registration and a certificate of competency and qualification as an assistant pharmacist, upon payment of a fee of five dollars (\$5.00): Provided, That said fee shall be paid to the said board within thirty (30) days of the time when the said applicant is notified that a satisfactory examination has been passed.

Section 5, Act of May 17, 1917, P. L. 208.

Under Section 3 of the Act of May 24, 1887, P. L. 189, the Pharmaceutical Examining Board was directed to keep a book of registration in which were entered the names of all pharmacists entitled to registration by examination or otherwise. The registration book was revised every three years by a complete new registration. By the Act of April 24, 1901, P. L. 99, it was provided that the fee for examination for pharmacists and assistant pharmacists should be \$3.00 and for registration should be \$12.00 and \$5.00 respectively. Under this latter act it was unnecessary to pay any fee for a renewal certificate. The Act of 1917 does not provide for renewal of certificates periodically and while it does not directly repeal the Act of March 24, 1887, it is thought that it was the intent to discontinue this practice and to require only the exhibit of the original certificate. It seems, however, that this Act of 1917 is somewhat defective in that it fails to require the board to keep a registration book. Some record must necessarily be kept of the registrations which are granted by the board.

6. Misdemeanor for Any Person to Impersonate Any Applicant Before Board. It shall be unlawful for any person to impersonate an applicant before the Pennsylvania Board of Pharmacy, who shall be applying for registration under the provisions of this Act of Assembly. Any person violating this section of this Act of Assembly shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of one hundred dollars (\$100.00), or to undergo an imprisonment of six months in the county prison, or either or both, in the discretion of the court.

Section 9, Act of May 17, 1917, P. L. 208.

7. Penalty for False Oaths in Applications for Registration. It shall be unlawful for any person to falsely make oath or affirmation to any statement in any application made to this board, for registration as a pharmacist or assistant pharmacist, or to any statement in support of the experience claimed in any application by any applicant for registration under this act. Any person so doing shall, upon conviction, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution.

Section 20, Act of May 17, 1917, P. L. 208.

8. Reciprocity with Other States. The Pennsylvania Board of Pharmacy may register as a pharmacist, without examination, any person who was duly registered as a pharmacist by examination in some other state: Provided, That the said person shall produce satisfactory evidence of having had the required secondary and professional education demanded of applicants for registration as pharmacist under the provisions of this act: And provided also, That the state in which such person was registered shall grant registration as a pharmacist, without examination, to pharmacists duly registered by examination within the meaning of this act. A fee of twenty-five dollars (\$25.00) shall be paid for such registration.

Section 16, Act of May 17, 1917, P. L. 208.

9. Titles of Pharmacists and Assistants. It shall be lawful for a pharmacist to take, use, and exhibit the titles: "pharmacist," "pharmacy," "druggist," "apothecary," or "drug store," and to have charge of, engage in, conduct, or carry on, for himself or for another, the dispensing, compounding, or sale of drugs, chemicals, medicines, prescription or poisons anywhere within the State; but he shall have personal supervision of not more than one pharmacy at the same time.

It shall be lawful for an assistant pharmacist to take, use, or exhibit the title, "assistant pharmacist;" and to assist in the dispensing, compounding, or retailing of drugs, chemicals, medicines, prescriptions, or poisons, in a pharmacy which is under the management and

personal supervision of a pharmacist registered under the provisions of this act. He may also perform such duties during the temporary absence of the pharmacist regularly in charge.

Section 14, Act of May 17, 1917, P. L. 208.

10. When Unlawful to Use Certain Titles. Penalty. It shall be unlawful for any person, firm, or corporation to use the title "pharmacist," assistant pharmacist," "druggist" or apothecary" except as authorized under this Act of Assembly. It shall further be unlawful to use the title "drug store" or "pharmacy," or any title having the same meaning, for a place where drugs are sold at retail except by persons registered as pharmacists under the provisions of this act: Provided, however, It shall not be unlawful for the owner of a pharmacy, who is not registered under this act as a pharmacist, to employ such titles when his pharmacy is conducted by a pharmacist duly registered under this act. Any person violating this section of this Act of Assembly shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than fifty dollars (\$50.00) and the costs of prosecution.

Section 15, Act of May 17, 1917, P. L. 208.

It seems that this act would permit persons not registered to be the owner of a pharmacy so long as the same is under the care of a registered pharmacist.

11. Registered Pharmacist to Have Charge of Pharmacy. Penalty. It shall be unlawful for any unregistered person to have charge of a pharmacy; and anyone who permits any person, who is not registered or deemed to be to be a pharmacist or assistant pharmacist, under this act, to take charge of a pharmacy, shall be guilty of misdemeanor, and either or both shall, upon conviction, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution.

Section 21, Act of May 21, 1917, P. L. 208.

12. Certificates of Registration to Be Exhibited. All certificates as pharmacists or assistant pharmacists, issued under the authority of the Commonwealth of Pennsylvania, shall at all times be conspicuously exhibited in the place of business where the pharmacist or assistant pharmacist is employed. Any pharmacist violating this section of this Act of Assembly, as to the display of his own or his employees' certificates, shall, upon conviction, be sentenced to pay a fine of ten dollars (\$10.00) and the costs of prosecution.

Section 8, Act of May 17, 1917, P. L. 208.

Under the Act of May 24, 1887, P. L. 189, pharmacists were registered every three years, but by the Act of April 24, 1901, P. L. 99, it was provided that no pharmacist should be required "to exhibit in his place of business any certificate but the original." It would seem that that Act of 1917 contemplates the exhibiting of the original certificate only since there is no provision for renewals.

13. Revocation of Registrations. The registration of any pharmacist or assistant pharmacist, under this Act of Assembly, may be revoked by the Pennsylvania Board of Pharmacy when the registration is proved to have been obtained by fraudulent means.

Section 6, Act of May 17, 1917, P. L. 208.

14. Books to Be Kept in Pharmacy. Penalty. There shall be kept in every pharmacy a copy of the latest revision of the United States Pharmacopoeia, and the latest edition of the National Formulary, and, if homeopathic remedies are compounded and dispensed, a copy of the latest revision of the American Homeopathic Pharmacopoeia, or the Homeopathic Pharmacopoeia of the United States, which books must be open to the inspection of the Pennsylvania Board of Pharmacy or the agents thereof. Any person violating this section of this Act of Assembly shall, upon conviction, be sentenced to pay a fine of ten dollars (\$10.00) and the costs of prosecution.

Section 7, Act of May 17, 1917, P. L. 208.

15. Pharmacists and Assistants to Obey Act. Exceptions. Compounding Poisons. Penalty. Hereafter it shall be unlawful to sell drugs, medicines, or poisons at retail, or to compound physicians' prescriptions, or to conduct a pharmacy, or to practice as a pharmacist or assistant pharmacist, except in compliance with the provisions of this Act of Assembly: Provided, however, That nothing in this Act of Assembly shall be so construed as to interfere with students of pharmacy, or other employees in a pharmacy, from performing such duties as may be assigned to them by and under the supervision of a pharmacist or assistant pharmacist: And provided further, That the compounding of physicians' prescriptions, or the dispensing and selling of poisons at retail, shall not be permitted except under the strict supervision and in the presence of a pharmacist or assistant pharmacist.

Nothing in this Act of Assembly shall be construed so as to prevent an authorized practitioner of medicine from administering or dispensing such drugs to bona fide patients as he or she shall deem necessary: Provided, however, That such drugs so administered or dispensed shall conform to the standards of strength, quality and purity, as fixed by the laws of this Commonwealth; nor prevent the sale or manufacture of proprietary medicines; nor prevent storekeepers from dealing in and selling commonly used household drugs when the same are offered for sale or sold in packages which have been put up ready for sale to consumers by pharmacists, manufacturing pharmacists, wholesale grocers, or wholesale druggists. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of

not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisonment for not more than one year, or either or both, in the discretion of the court.

Section 13, Act of May 17, 1917, P. L. 208.

16. Who May Compound and Dispense Prescriptions. That no person shall be allowed, by the proprietor or manager of any store or place where prescriptions are compounded, to compound or dispense the prescriptions of physicians, except under the immediate supervision of said proprietor or his qualified assistant, unless holding a properly certified certificate of registration or competency from the State Pharmaceutical Examining Board, as herein provided; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars.

Section 8, Act of May 24, 1887, P. L. 189.

17. Only Registered Pharmacists to Engage in Business and to Compound and Dispense Prescriptions. No person shall hereafter engage as manager in the business of an apothecary, or pharmacist, or of retailing drugs, chemicals and poisons, or of compounding and dispensing the prescriptions of physicians, either directly or indirectly, without having obtained such certificate as aforesaid.
* * * * *

Any person, who shall violate or fail to comply with the provisions of this section, shall be guilty of a misdemeanor, and on conviction before any court shall be punished by a fine not exceeding one hundred dollars, or be imprisoned in the county jail of the proper county for a term not exceeding one year, or either, or both, at the discretion of the court.

Part of Section 6, Act of May 24, 1887, P. L. 189.

18. Physicians' Prescriptions to Be Kept on File and Open to Inspection. All physicians' prescriptions compounded and dispensed shall be kept on file in the pharmacy in which compounded for a period of at least five years, and during that time the same shall be open to the inspection of the police authorities, upon presentation of an order from the court, or to the members of the Pennsylvania Board of Pharmacy.

Section 19, Act of May 17, 1917, P. L. 208.

19. Power of Board to Make Rules and Regulations. The Pennsylvania Board of Pharmacy shall make uniform rules and regulations for the enforcement of this act, including the forms of application for registration in accordance therewith.

Section 11, Act of May 17, 1917, P. L. 208.

20. Board to Enforce Act. Fines Collected to Be Covered into State Treasury. The Pennsylvania Board of Pharmacy shall enforce

the provisions of this Act of Assembly, investigate all the complaints and charges of non-compliance, and prosecute all persons so offending whenever reasonable ground shall appear for such action. All fines imposed through a violation of this act shall be paid to the secretary of the Pennsylvania Board of Pharmacy, and by him paid into the State Treasury, for use in the enforcement of this Act of Assembly.

Section 11, Act of May 17, 1917, P. L. 208.

21. Annual Report of Board. Records and Minutes of Board. The Pennsylvania Board of Pharmacy shall make an annual report to the Governor of Pennsylvania of the work performed during the year, together with a complete financial statement of all moneys received and all moneys paid out. One thousand (1,000) copies of this report shall be printed by the State Printer of Pennsylvania, and two copies sent to each member of the Legislature; the remaining copies to be distributed, upon application, by the Pennsylvania Board of Pharmacy. All papers and records, together with the minutes of the board, shall be filed in the office of the board.

Section 12, Act of May 17, 1917, P. L. 208.

22. Repeal. Pending Prosecutions Saved. Powers of Former Board Extended. When Act to Be in Force. All acts and parts of acts, so far as they may be in conflict with this act, are hereby declared void and of no effect: Provided, however, That if any action or prosecution now pending for violations of any of the Acts of Assembly hereby repealed, occurring prior to the passage of this Act of Assembly, shall not be affected by this Act of Assembly: And provided further, That the duties and powers of the State Pharmaceutical Examining Board under any Act of the General Assembly, in force and effect on and after July first, one thousand nine hundred and seventeen, shall be taken to be the duties and powers of the Pennsylvania Board of Pharmacy created by this Act of Assembly. This act shall be in force and effect on and after July first, one thousand nine hundred and seventeen.

Section 22, Act of May 17, 1917, P. L. 208.

(b) Bureau of Professional Education. Preliminary Education of Pharmacists.

23. Reasons for Passage of Act. Whereas, The methods of determining the preliminary educational qualifications of applicants for the licensure to practice [medicine, dentistry, or] pharmacy are unprovided for, and inadequate to the needs and dignity of the Commonwealth of Pennsylvania; and

Whereas, No properly constituted authority exists for such determination; therefore—

Whereas Clauses to Act of June 19, 1911, P. L. 1045.

24. Bureau of Professional Education Established. There shall be created a Bureau of Professional Education, as a subdepartment of the Department of Public Instruction, with an office at Harrisburg; and said bureau shall be known as the Bureau of Professional Education of the Department of Public Instruction, and shall be under the immediate direction and supervision of the State Superintendent of Public Instruction.

Section 1, Act of June 19, 1911, P. L. 1045.

25. Employees of Bureau. Compensation of Employees and Superintendent of Public Instruction. The officers and employees of said bureau shall be appointed by the Superintendent of Public Instruction, compensated upon the same basis as other officers and employees of the said Department of Public Instruction, out of an appropriation created therefor. After the expiration of the present term of the present incumbent, the Superintendent of Public Instruction shall receive, as a compensation for extra duties, a sum not exceeding five hundred dollars annually.

Section 2, Act of June 19, 1911, P. L. 1045.

26. Duty of Bureau with Regard to Preliminary Education of Persons to Be Licensed as Pharmacists. The duty of said bureau shall be the determination, evaluation, standardization, and regulation of the preliminary education, both secondary and collegiate, of those to be hereafter admitted to the practice of [medicine, dentistry, and] pharmacy in this Commonwealth; the preparation and distribution of circulars of information; the preparation of uniform blank forms; the holding of examinations at suitable times and places, to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates; the issuing of certificates to those found proficient, directly from the Department of Public Instruction; the establishment of reciprocity with other states as regard preliminary education and professional licenses; the determination and publication of a standard high school course, and the compilation of a list of high schools and other secondary schools of this State conforming to said standard; and the exercising of such power as may be within the right of the Department of Public Education upon the high schools and secondary schools of the State to raise the standard of secondary education. The organization of said bureau shall be under the direction of the Superintendent of Public Instruction: Provided, That nothing in this act shall conflict with the provisions of the statutes of this Commonwealth regulating the practice of [medicine, dentistry, or] pharmacy, [respectively].

Section 3, Act of June 19, 1911, P. L. 1045.

27. Students from Other States and Foreign Countries. Applicants from other states or foreign countries for admission to schools

of [medicine, dentistry, or] pharmacy, or for the licensure to practice medicine, dentistry, or pharmacy within the State of Pennsylvania, who do not hold a diploma from an accredited college, or a certificate of having passed the entrance examination to a first-year course in an accredited college, or satisfactory evidence of having graduated from a high school or secondary school, the standard of which shall be equivalent to the standard adopted by the said Bureau of Professional Education, or satisfactory credentials from accredited secondary schools, shall be subjected to an examination by said bureau, and if successful shall be awarded a certificate, setting forth his or her proficiency, by the said Bureau of Professional Education.

Section 4, Act of June 19, 1911, P. L. 1045.

28. Fees for Certificates of Proficiency and Examinations. A fee of one dollar shall be charged to each applicant for the issuance by the Department of Public Instruction of the certificate of proficiency, to each applicant to whom said certificate shall be issued; and an additional fee of one dollar shall be charged for each examination to be held under the direction of the Superintendent of Public Instruction, by the Bureau of Professional Education, to each applicant for said examination; all moneys received by the said Bureau of Professional Education to be turned into the public treasury.

Section 5, Act of June 19, 1911, P. L. 1045.

(c) Adulterated and Misbranded Drugs.

29. Unlawful to Sell Adulterated or Misbranded Drugs. It shall be unlawful for any person, partnership, or corporation to manufacture or sell, offer for sale, or have in possession with intent to sell, any drug which is adulterated or misbranded, within the meaning of this act.

Section 1, Act of May 8, 1909, P. L. 470.

It seems that this act repeals Section 9 of the Act of May 24, 1887, P. L. 189, and the Act of May 25, 1897, P. L. 85.

30. "Drug" Defined. The term "drug" as used in this act, shall include all medicines and preparations recognized in the ninth revision of the Pharmacopoeia of the United States, the fourth edition of the National Formulary, or the American Homeopathic Pharmacopoeia, for the internal or external use, and any substance or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Section 1, Act of June 7, 1917, P. L. 564, amending Section 2, Act of May 8, 1909, P. L. 470.

31. When a Drug is Deemed Adulterated. For the purpose of this act an article shall be deemed to be adulterated:

First. If a drug is sold under or by any name recognized by the ninth revision of the Pharmacopoeia of the United States, the fourth

edition of the National Formulary, or the American Homeopathic Pharmacopoeia, it differs from the standard of strength, quality, or purity as determined by the test or formula laid down in the ninth revision of the Pharmacopoeia of the United States, the fourth edition of the National Formulary, or the American Homeopathic Pharmacopoeia: Provided, That no drug defined in the ninth revision of the Pharmacopoeia, of the United States, the fourth edition of the National Formulary, or the American Homeopathic Pharmacopoeia, except official preparations of opium, iodine, peppermint, camphor, ginger and ethyl nitrit, shall be deemed to be adulterated, under this provision, if the standard of strength, quality, or purity be plainly stated, in juxtaposition with the official standard of strength, quality, and purity, upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test or formula laid down by the ninth revision of the Pharmacopoeia of the United States, the fourth edition of the National Formulary, or the American Homeopathic Pharmacopoeia.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Section 2, Act of June 7, 1917, P. L. 564, amending Section 3, Act of May 8, 1909, P. L. 470.

This section is constitutional. The plainest principles of construction ought to lead any court to determine that the legislative words referred only to the standard editions of such works in existence at the time of the passage of the act: *Comm. v. Sweeney*, 61 Sup. Ct. 367. The original section of this act did not refer to any particular edition of the standard works therein referred. It would seem as if this amendment had been adopted following the ruling in the above case.

32. When a Drug is Deemed Misbranded. For the purpose of this act an article shall be deemed to be misbranded:

First. All drugs, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substance or substances contained therein, shall be false or misleading in any particular.

Second. If it be an imitation of, or offered for sale under, the name of another article.

Third. If the contents of the package as originally put up shall have been removed, in whole or in part thereof, and other contents shall have been placed in such package; or if the package fail to bear statement on the label of the presence of any alcohol, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis, indica, chloral hydrate, acetanilide, phenacetine, antypyrine, or any derivative or any preparation of any such substances, contained therein: Provided, That nothing in this paragraph apply to the filling of, written prescriptions, furnished by practicing physicians,

dentists, and veterinarians, and kept on file by pharmacists; or as to such preparations as are specified and recognized by the ninth revision of the Pharmacopoeia of the United States, the fourth edition of the National Formulary, and the American Homeopathic Pharmacopoeia, which are made in accordance therewith and are sold under titles designated therein.

Fourth. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false or fraudulent.

Section 3, Act of June 7, 1917, P. L. 564, amending Section 4, Act of May 8, 1909, P. L. 470.

33. Enforcement of Act. Compensation of Members of Board. Rules and Regulations of Board. Secretary and Employees of Board. Penalties. The enforcement of this act shall be entrusted to the State Pharmaceutical Examining Board, who shall receive as compensation for their services the same per diem and expenses that they receive as members of the State Pharmaceutical Examining Board, under the Act of May twenty-fourth, one thousand eight hundred and eighty-seven. They shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of drugs manufactured or offered for sale in the State; and shall appoint an executive secretary, who shall work under the directions of said board; and they shall also have the power to employ such agents, chemists, attorneys, and assistants as may be necessary for this purpose; and they or their duly authorized agents shall have the right to enter any place where drugs are compounded, dispensed, or sold, for the purpose of purchasing samples; and shall have the right to purchase samples in order that tests may be made to determine whether such drugs conform to the standards of strength, quality, and purity as fixed by the laws of this Commonwealth. Any person who intentionally prevents, or knowingly refuses, to permit any authorized person to enter any place where drugs are compounded, dispensed, or sold, for the purpose of purchasing samples, or refuses to sell a sample or samples of drugs, for the purpose of examination, shall, upon conviction, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution: Provided, however, That this section shall not be construed as granting any right or privilege to said board, or their agents thereof, of inspecting any place where drugs are sold or manufactured, or any formula or process of manufacture of any drug.

Section 4, Act of June 7, 1917, P. L. 564, amending Section 5, Act of May 8, 1909, P. L. 470.

The powers of the State Pharmaceutical Examining Board under this act are transferred to the Pennsylvania Board of Pharmacy under Section 22, Act of May 17, 1917, P. L. 208, *supra* Section 22.

34. Office and Laboratory of Board. Supplies, Stationery, Etc.

The Pharmaceutical Examining Board shall have an office and laboratory in the State Capitol, in which to conduct the work provided for in this act. The Board of Commissioners of Public Grounds and Buildings shall, upon the requisition of the president and secretary of the Pharmaceutical Examining Board, furnish said examining board with all such books, printing and stationery supplies, chemicals, apparatus, furniture, and equipment as may be needed to conduct properly the affairs of said examining board.

Section 1, Act of June 13, 1911, P. L. 889, amending Section 6, Act of May 8, 1909, P. L. 470.

35. Examination of Drugs to Ascertain Adulterations. Hearings.

Prosecutions. The examination of drugs, purchased or procured by said board, shall be made under the direction and supervision of said board, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimen is adulterated or misbranded, within the meaning of this act, the board shall cause notice thereof to be given to the party from whom the same was purchased or procured. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid; and if it appears that any of the provisions of this act have been violated by such party, then the board shall at once direct their agent or representative to lay the facts before the district attorney of the proper county, together with a copy of the results of the analysis of such article, duly authenticated by the analyst or officer making the same; and shall direct their said agent or representative, under the direction of the said district attorney, to make information against the party so appearing to have violated the provisions of this act, and attend to the prosecution of such proceeding until the same is finally terminated.

Section 7, Act of May 8, 1909, P. L. 470.

36. Duty of District Attorney. It shall be the duty of each district attorney, to whom the board shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper court, without delay, for the collection of the penalties in such case made and provided.

Section 8, Act of May 8, 1909, P. L. 470.

37. Penalty for Violations of Act. Fines Recovered to Be Paid into State Treasury. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, for each offense, upon conviction thereof, be fined not to exceed fifty dollars; and upon conviction for any second or subsequent commission of

the same offense, shall be fined not to exceed one hundred dollars; and upon each conviction the person so convicted shall, in addition to the fine herein mentioned, pay all the costs of prosecution, including the expense incurred in examining and analyzing the article found to have been adulterated or misbranded; and all fines paid and collected for violations of this act shall be paid to the treasurer of the State Pharmaceutical Examining Board, and by him shall be forthwith paid to the treasurer of the State, for the use of the Commonwealth.

Section 9, Act of May 8, 1909, P. L. 470.

38. Retail Dealer Exempted from Prosecution in Certain Cases. Prosecutions of Wholesale Dealers, Manufacturers and Jobbers. In case it shall be made to appear at any hearing before the said board, or under the rules and regulations prescribed thereby, that the dealer, from whom any adulterated or misbranded article shall have been purchased or procured, purchased the same from any manufacturer, wholesale dealer or jobber, who has given a guarantee thereof to the dealer that the same is not misbranded or adulterated within the meaning of this act; and if it shall be made to appear that the said dealer has kept and preserved the article in question in precisely the same condition, as to quality and purity, as when it was so purchased by said dealer; then, and in that case, the said board shall direct proceedings to be commenced against the manufacturer, wholesale dealer or jobber, in the proper county, for the collection of the penalty provided for violation of this act; and if the penalty shall thus be collected from said manufacturer, wholesale dealer, or jobber, no further proceedings shall be commenced or continued against the dealer from whom the article in question had been purchased or procured, provided the sale of said article be discontinued by said dealer.

Section 10, Act of May 8, 1909, P. L. 470.

39. When Provisions of Act Not to Apply. The provisions of the act relating to misbranding shall not apply to the distribution or sale, or to the possession with intent to distribute or sell, by any dealer, of such drugs as were in such dealers' stock, in this State, on October one, one thousand nine hundred and nine: Provided, That the package, or other container in which said drugs shall be contained, shall be plainly and conspicuously marked with the words and figures, "On hand, October one, one thousand nine hundred and nine."

Section 11, Act of May 8, 1909, P. L. 470.

(d) Poisons.

40. Poisons Defined. Selling and Dispensing Poisons. Exceptions. Penalty. A poison, in the meaning of this Act of Assembly,

shall be any drug, chemical, or preparation, which, according to standard works on medicine, toxicology, or materia medica, is liable to be destructive to adult human life, in quantities of sixty grains or less; or any mixture, compound, or preparation containing, in sixty grains or less, a sufficient quantity of any such drug, chemical, or preparation as to make the same liable to be destructive to adult human life, if sixty grains or less were to be taken.

No person shall sell at retail or dispense any poison, except as herein provided, without affixing to the bottle, box, vessel, or package containing same a label, printed or plainly written, containing the name of the article, the word "poison," and the name and place of business of the seller; nor shall he deliver poison to any person without satisfying himself that the purchaser understands the poisonous nature of the article, and that such poison is to be used for legitimate purposes.

It shall be the further duty of anyone selling at retail or dispensing any poison, which, according to standard works on medicine, toxicology, or materia medica, is liable to be destructive to adult human life, in quantities of five grains or less, before delivering them, to enter in a book kept for this purpose, the name of the seller, the name and address of the buyer, the name of the article, the quantity sold or disposed of, the date on which sold, and the purpose for which it is said to be intended. Such book of registry shall be preserved for at least two years from the last date of entry, and shall at all times be open to inspection of the coroner, police authorities, or the agents of the Pennsylvania Board of Pharmacy: Provided, however, That the provisions of this section shall not apply to the dispensing of physicians' prescriptions, specifying poisonous articles; nor to the sale of mixed paints of all kinds, white lead and colors ground in oil, and all lead products for technical purposes.

Any person violating this section of this Act of Assembly shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not more than one hundred dollars (\$100.00).

Section 17, Act of May 17, 1917, P. L. 208.

The Act of May 24, 1887, P. L. 189, also exempted from its provisions, insecticides containing poisons.

41. Sale of Poisons for Technical Use. This act shall not apply to the sale of poisons for technical use, and not sold or offered for sale as a drug, within the meaning of this act; provided that the article is labeled to show plainly that it is for technical use and not for medicinal use, and is sold in compliance with section eighteen of this Act of Assembly.

Section 18, Act of May 17, 1917, P. L. 208.

42. Sale of Certain Poisons. Penalty. No apothecary, druggist, or other person shall sell or dispose of by retail any morphia,

strychnia, arsenic, prussic acid, carbolic acid, or corrosive sublimate, except upon the prescription of a physician, or on the personal application of some respectable inhabitant, of full age, of the town or place in which such sale shall be made; in all cases of such sale the word poison shall be carefully and legibly marked or placed upon the label, package, bottle, or other vessel or thing, in which such poison is contained; and when sold or disposed of otherwise than under the prescription of a physician, the apothecary, druggist or other person selling or disposing of the same, shall note in a register kept for that purpose, the name and residence of the person to whom such sale was made, and the quantity sold, and the date of such sale; any person offending herein shall be guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding fifty dollars.

Section 1, Act of March 18, 1909, P. L. 39, amending Section 70 of the Act of March 31, 1860, P. L. 382.

This section is Constitutional, Comm. v. Yealy, 21 D. R. 543.

**(e) Opium and Coca Leaves and their Compounds and Derivatives.
(Anti-Dope Law.)**

43. Drug Defined. Except as limited in section two of this act, the word "drug," as used in this act, shall be construed to include—(a) opium; or (b) coca leaves; or (c) any compound or derivative of opium or coca leaves; or (d) any substance or preparation containing opium or coca leaves; or (e) any substance or preparation containing any compound or derivative of opium or coca leaves.

Section 1, Act of July 11, 1917, P. L. 758.

It would seem that this act repeals the Act of May 8, 1909, P. L. 487.

44. What the Term Drug Does not Include. The word "drug" shall not be construed to include—(1) preparations and remedies and compounds which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them, in one fluid ounce, if the same is liquid; or, if a solid or semi-solid, in one avoirdupois ounce; (2) liniments, ointments, or other preparations, prepared and dispensed in good faith for external use only; providing such liniments, ointments, and preparations do not contain cocaine or any of its salts, or alpha or beta eucaine or any of their salts, or any synthetic substitute for cocaine or eucaine or their salts; (3) decocanized coca leaves, or preparations made therefrom, or other preparations of coca leaves which do not contain cocaine:

Provided, however, That no preparations, remedies or compounds containing any opium, or coca leaves, or any compound or derivative

thereof, in any quantity whatsoever, may be sold, dispensed, distributed, or given away to, or for the use of, any known habitual user of drugs, except in pursuance of a prescription of a duly licensed physician or dentist.

Section 2, Act of July 11, 1917, P. L. 758.

45. Certain Words Defined. The word "person," as used in this act, shall be construed to include an individual, a copartnership, or an association. Masculine words include the feminine or neuter. The singular includes the plural. The word "prescription" shall be construed to designate a written order, by a duly licensed physician, dentist, or veterinarian, calling for a drug, or for any substance or preparation containing a drug.

Section 3, Act of July 11, 1917, P. L. 758.

46. Possession, Sale, etc., of Drugs. Exceptions. No person shall have in his possession or under his control, or deal in, dispense, sell, deliver, distribute, prescribe, traffic in, or give away, any of said drugs. This section does not apply, in the regular course of their business, profession, employment, occupation, or duties, to—(a) manufacturers of drugs; (b) persons engaged in the wholesale drug trade; (c) importers or exporters of drugs; (d) registered pharmacists actually engaged as retail druggists; (e) bona fide owners of pharmacies or drug stores; (f) licensed physicians; (g) licensed dentists; (h) licensed veterinarians; (i) persons in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township of this Commonwealth, and having such drugs in their possession by reason of their official duties; (j) warehousemen, or common carriers, engaged, bona fide, in handling or transporting drugs; (k) persons regularly in charge of drugs in dispensaries, hospitals, asylums, sanatoriums, poor-houses, jails, penitentiaries, or public institutions; (l) nurses under the supervision of a physician; (m) persons in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (n) captains, or proper officers, of ships upon which no regular physician is employed, for the actual medical needs of the officers and crews of their own ship only; (o) persons having said drugs in their possession for their own personal use only, provided that they have obtained the same in good faith, for their own use, from a duly licensed physician or dentist, or in pursuance of a prescription given them by a duly licensed physician or dentist; (p) persons having said drugs in their possession for the use of an animal belonging to them, provided that they have obtained the same in good faith, from a duly licensed veterinarian, for the use of such animal, or in pur-

suance of a prescription given by a duly licensed veterinarian; (q) persons in the bona fide employ of any of the persons above enumerated.

Section 4, Act of July 11, 1917, P. L. 758.

47. Drugs not to be Used or Administered Except upon Consent of Physician or Dentist. No person shall use, take, or administer to his person, or cause to be administered to his person, or administer to any other person, or cause to be administered to any other person, any of the aforesaid drugs, except under the advice and direction, and with the consent, of a regularly practicing and duly licensed physician or dentist.

Section 5, Act of July 11, 1917, P. L. 758.

48. To Whom Manufacturers, Producers, Importers and Exporters May Sell Drugs. No manufacturer, producer, importer, exporter or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away, any of said drugs, except to—(a) a duly licensed physician; (b) a duly licensed pharmacist; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a manufacturer of drugs; (f) a person engaged in the wholesale drug trade and regularly selling drugs; (g) an exporter of drugs; (h) a bona fide hospital, dispensary, asylum, or sanatorium; (i) a public institution; (j) a bona fide owner of a pharmacy or drug store; (k) a person in a foreign country; (l) a person in charge of a laboratory where such drugs are used for the purpose of scientific and medical research only; (m) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (n) a person in the employ of the United States, of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No manufacturer, producer, importer, or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drug is sold, dispensed, distributed, or given. Such order shall be preserved for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities.

Section 6, Act of July 11, 1917, P. L. 758.

49. To Whom Pharmacists may Sell Drugs. No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except to—(a) another registered pharmacist or bona fide owner of pharmacy or drug store; (b) a duly licensed physician; (c) a duly licensed dentist; (d) a duly

licensed veterinarian; (e) a bona fide hospital, dispensary, asylum, sanatorium, or public institution; (f) an individual, in pursuance of a written prescription issued by a physician, dentist, or veterinarian, which prescription shall be dated as of the day on which signed, and shall be signed by the physician, dentist, or veterinarian who issued the same; (g) a person in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (h) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (i) a person in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drugs are sold, dispensed, distributed, or given. Such order shall be preserved, for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities. When such drugs are sold, dispensed, distributed, or given to an individual, in pursuance of a prescription, such prescription shall be regarded as the written order herein required, and no further written order shall be necessary.

Section 7, Act of July 11, 1917, P. L. 758.

50. To Whom Physicians and Dentists may Sell and Dispense Drugs. Gradual Reduction Treatment. Penalty. No physician or dentist shall sell, dispense, administer, distribute, give or prescribe any of said drugs to any person known to such physician or dentist to be an habitual user of any of said drugs, unless said drug is prescribed, administered, dispensed, or given for the cure or treatment of some malady other than the drug habit. Provided, however, That if any physician desires to undertake, in good faith, the cure of the habit of taking or using opium or any of its derivatives, in any form, such physician may prescribe or dispense opium or its derivatives to a patient, provided such opium or its derivatives are prescribed or dispensed in good faith, for the purpose of curing such patient of such habit, and not merely for the purpose of satisfying a craving for the drug. In every such case the physician shall himself make a physical examination of the patient, and shall report, in writing, to the proper officer of the board of health of the city, borough, town, or township in which he resides, or to the State Department of Health, where there is no local board of health, the name and address of such patient, together with his diagnosis of the case and the amount and nature of the drug prescribed or dispensed

in the first treatment. When the patient leaves his care his physician shall report, in writing, to said officer of the board of health, or to the State Department of Health, the result of his said treatment.

Any person divulging any information contained in any such report, except for the purpose of enforcing this act, or to a physician who may, in the opinion of the chief of the board of health or of the Commissioner of Health, be entitled to such information for the purpose of enabling him to comply with the provisions of this act, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding one year, or both, in the discretion of the court.

Section 8, Act of July 11, 1917, P. L. 758.

51. Drugs not to be Administered to Persons or Animals Until after Examination. Veterinarians not to Dispense Drugs to Persons. No physician, dentist, or veterinarian shall administer, dispense, give away, deliver, or prescribe any of said drugs, except after a physical examination of the person or animal for whom said drugs are intended; said examination to be made at the time said prescription is issued, or at the time said drug is administered, dispensed, given away, or delivered by said physician, dentist or veterinarian. No veterinarian shall sell, dispense, distribute, give, or prescribe any drug for the use of human beings.

Section 9, Act of July 11, 1917, P. L. 758.

52. Physicians, Dentists and Veterinarians to Keep Certain Records. Every physician, dentist, and veterinarian shall keep a record of all said drugs administered, dispensed, or distributed by him, showing the amount administered, dispensed, or distributed, the date, the name and address of the patient; and, in the case of a veterinarian, the name and address of the owner of the animal to whom such drugs are dispensed or distributed; such record shall be kept for two years from the date of administering, dispensing, or distributing such drug, and shall be opened for inspection by the proper authorities. No record need be kept of any drug administered in an emergency case.

Section 10, Act of July 11, 1917, P. L. 758.

53. When Act not to Apply. This act shall not be construed to apply to the treatment of habitual users of drugs in public hospitals, sanatoriums, poorhouses, prisons, or public institutions.

Section 11, Act of July 11, 1917, P. L. 758.

54. Penalties for Violation of Act. Any person who shall violate, or fail to comply with, any of the provisions of this act, except as provided in the last paragraph of section eight, shall be guilty of a misdemeanor; and, upon conviction, shall be sentenced to pay a fine not exceeding two thousand dollars, or to undergo an imprisonment

not exceeding five years, or both, at the discretion of the court. If the violation is by a corporation, copartnership, or association, the officers and directors of such corporation, or the members of such copartnership or association, their agents and employes, with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally.

Section 12, Act of July 11, 1917, P. L. 758.

55. Burden of Proving Exemptions from Provisions of Act. In any prosecution under this act it shall not be necessary to negative any of the exemptions of this act in any complaint, information, or indictment. The burden of proving any exemption under this act shall be upon the defendant.

Section 13, Act of July 11, 1917, P. L. 758.

56. When Licenses of Physicians, Dentists, Veterinarians, Pharmacists, Druggists and Nurses may be Revoked or Suspended. Any license heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse may be either revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing, upon proof that the licensee is addicted to the use of any of said drugs, after giving such licensee reasonable notice and opportunity to be heard.

Section 14, Act of July 11, 1917, P. L. 758.

57. Effect of Conviction of Certain Persons. Certain Words Defined. Whenever any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse is convicted, in a court having jurisdiction, of any violation of this act, the license of such physician, dentist, veterinarian, pharmacist, druggist, or registered nurse may be revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing classes, after giving such licensee reasonable notice and opportunity to be heard.

The term "license," as used in sections fourteen and fifteen of this act, shall be construed to include all licenses heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse, whether said license was issued by the officers or boards at present having power to issue the same, or whether granted under previous authority.

The term "officers or boards," as used in sections fourteen and fifteen of this act, shall be construed to designate such officers or boards as have power to issue licenses to physicians, dentists, veterinarians, pharmacists, druggists, or registered nurses at the time the power to revoke or suspend the license is exercised.

Section 15, Act of July 11, 1917, P. L. 758.

58. Department of Health to Enforce Act. The provisions of this act shall be enforced by the Department of Health of the Common-

wealth of Pennsylvania; and for that purpose the Commissioner of Health is hereby authorized to establish in the Department of Health, a bureau or division for such purpose, and to employ such assistants, stenographers, inspectors, clerks and other employes as, in his opinion, may be necessary, and to fix their compensation. For the purpose of enforcing the provisions of this act the Commissioner of Health, and his assistants, either in said bureau or division, or any other bureau or division of his department, shall have the right to examine, at any time, any or all of the records required by this act to be kept; and the Commissioner of Health may further require persons dealing in, buying, selling, handling, or giving away drugs to make such reports to him, or to the bureau aforesaid, as he may deem necessary or advisable. This section shall not be construed to exclude the other duly constituted authorities in this Commonwealth from enforcing the provisions of this act.

Section 16, Act of July 11, 1917, P. L. 758.

(f) Advertisements of Certain Medicines, Drugs and Nostrums.

59. Unlawful to Publish Advertisements, etc., Concerning Certain Medicines, Drugs, Nostrums and Apparatus. That from and after the passage of this act it shall not be lawful to print or publish advertisements of medicines, drugs, nostrums, or apparatus for the cure of secret or venereal diseases, or for the cure of those diseases peculiarly appertaining to females; and if any person shall print or publish, or procure to be printed or published, in any newspaper in this state, any advertisement of medicines, drugs, or nostrums, or apparatus for the cure of secret or venereal diseases, or for the cure of those diseases peculiarly appertaining to females, or shall, by printing or writing, or in any other way publish an account or description of such medicines, drugs, nostrums, or apparatus, or shall procure the same to be published or written, or in any other way publish, or shall circulate or distribute any such newspaper advertisement, writing or publication, every such person so offending shall be guilty of a misdemeanor, and shall upon conviction thereof, be fined in any sum not exceeding one thousand dollars, or be imprisoned in the county jail, not exceeding six months, or both, at the discretion of the court.

Section 1, Act of March 16, 1870, P. L. 39.

60. Advertising, Selling or Giving away Drugs and Nostrums to Prevent Conceptions and Procure Abortions and Miscarriages. Penalty. That if any person shall print or publish, or cause to be printed or published, in any newspaper in this state, any advertisement of any secret drug or nostrum purporting to be for the use of females; or if any druggist or other person shall sell or keep for sale, or shall give away any such secret drug or nostrum purporting to be for

the use of females, or if any person shall, by printing or writing, or in any other way, publish an account or description of any drug, medicine, instrument or apparatus for the purpose of preventing conception, or of procuring abortion or miscarriage, or shall, by writing or printing, or any circular, newspaper, pamphlet or book, or in any other way publish or circulate any obscene notice, or shall within this state, keep for sale or gratuitous distribution any secret drug, nostrum or medicine for the purpose of preventing conception, procuring abortion or miscarriage, such person or persons, so violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court: Provided, That nothing in this act contained shall be construed to affect teaching in regular chartered medical colleges, or the publication of standard medical books.

Section 2, Act of March 16, 1870, P. L. 39.

(g) Licensing of Druggists by Municipalities.

61. Cities of the Third Class Authorized to License Druggists. Every city of the third class in its corporate capacity is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this and other acts:—

4. To levy and collect a license tax, not exceeding one hundred dollars each, annually, on all * * * druggists, * * * and to regulate the collection of the same.

Part of Section 3, Act of June 27, 1913, P. L. 568.

PHYSICIANS AND SURGEONS.

(a) Bureau of Medical Education and Licensure.

1. Reasons for Passage of Act. Whereas, The safety of the citizens of this Commonwealth is endangered by incompetent physicians and surgeons, and a due regard for public health and the preservation of human life demands that none but competent and properly qualified physicians and surgeons shall be permitted to practice their profession.

Whereas Clause, Act of June 3, 1911, P. L. 639.

2. Physicians to be Licensed. Penalty. Exceptions. On and after January first, nineteen hundred and twelve, it shall not be lawful for any person in the State of Pennsylvania to engage in the practice of medicine and surgery, or to hold himself or herself forth as a practitioner in medicine and surgery, or to assume the title of doctor of medicine and surgery, or doctor of any specific disease, or to diagnose disease, or to treat diseases by the use of medicines and

surgery, or to sign any death certificate, or to hold himself or herself forth as able to do so; excepting those hereinafter exempted, unless he or she has first fulfilled the requirements of this act and has received a certificate of licensure from the Bureau of Medical Education and Licensure created by this act, which license shall be properly recorded in the office of the Superintendent of Public Instruction at Harrisburg.

On first offense, any person wilfully violating the provisions of this section of this act, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than five hundred dollars, or imprisonment for not more than six months in the county prison, or both or either, at the discretion of the court; on second offense, shall be subject to a fine of not less than five hundred or more than one thousand dollars and imprisonment for not less than six months or more than one year, at the discretion of the court: Provided, That this section shall not apply to those persons who, under the laws of the Commonwealth, at the date of the passage of this act, have been accorded the right by a licensing certificate to diagnose and treat disease, medically and surgically, and to sign the form of death certificate required by laws of this Commonwealth, or who are exempt therefrom by further provisions of this act.

Section 1, Act of June 3, 1911, P. L. 639.

3. Bureau of Medical Education and Licensure. For the purpose of carrying out and enforcing the provisions of this act, there shall be established in this Commonwealth a Bureau of Medical Education and Licensure, to be attached to the Department of Public Instruction. The said bureau shall consist of seven members,—two of whom, the Superintendent of Public Instruction and the Commissioner of Health, shall be ex officio members thereof; the five remaining members shall be appointed by the Governor of the Commonwealth, who shall appoint the same on or before September first, nineteen hundred and eleven. The said five members, so appointed, shall be selected from, and at present legally incorporated, State medical societies of the State of Pennsylvania; namely, one from the Medical Society of the State of Pennsylvania, one from the Homeopathic Medical Society of the State of Pennsylvania, and one from the Eclectic Medical Society of the State of Pennsylvania; and who, at the time of their appointment are licensed and qualified under the existing laws of this Commonwealth to practice medicine and surgery, and who shall have practiced the same in this Commonwealth for a period of not less than ten years prior to their respective appointments: And provided, That the two remaining members shall not be of the same school or system of practice. Two members of the bureau first appointed under this act shall serve for one year;

two, for two years; and one, for three years; after which the successor of each member shall be appointed for the term of three years; but no member of said bureau shall be a member of the faculty of any undergraduate school, college, or university teaching medicine and surgery. The Governor shall furnish each person appointed with a certificate of appointment, under the seal of this Commonwealth. He shall fill all vacancies, caused by death, resignation, or otherwise; and shall have the power to remove any appointed member of the said bureau, for continued neglect of the duties which he may be required to perform as a member of the bureau, or for any unprofessional or dishonorable conduct, upon receiving proper proof of the same. Appointments to fill vacancies, occurring through death, resignation, or otherwise, shall be for the unexpired term of the deceased or retiring member.

Section 2, Act of June 3, 1911, P. L. 639.

4. Official Name of Bureau. Duties of Bureau. Organization. Quorum. Said bureau shall be known by the name and title of "The Bureau of Medical Education and Licensure of the Department of Public Instruction," of the Commonwealth of Pennsylvania, and shall effect its organization immediately after the appointment of its members by the Governor.

It shall be the duty of the bureau to enforce all the requirements of this act. In case of violation of the provisions of this act, procedure shall be through either the office of the Attorney General of the State of Pennsylvania or by special attorney, or both, at the discretion of the bureau.

At the first meeting held for the purpose of organization it shall elect from its membership a president, and a secretary, who shall also be treasurer; and it shall have authority to make rules and regulations for the transaction of its business, and for registration of all physicians of this Commonwealth, and for conducting examinations of applicants; said rules to be printed and published in pamphlet form, for public distribution. Proper publication thereof shall also be made, after their adoption, in such newspapers in Philadelphia, Pittsburgh, and Harrisburg, as may be designated by the bureau, once a week for three weeks. Five members shall constitute a quorum; except for the consideration of the revocation or the suspension of a license, or the determination of the fitness of any college to render eligible its graduates for licensure, or the refusal to grant license, when the unanimous consent of all seven members shall be necessary.

Section 3, Act of June 3, 1911, P. L. 639, which Section was amended in part by the Act of July 25, 1913, P. L. 1220.

Any person competent to take an oath may initiate prosecutions for violation of this Act, but it would be more prudent to have such prosecution begun by an agent of the Bureau of Medical Education and

Licensure, so as to avoid liability for costs: Opinion of Atty. Gen. Bell, 23 D. R. 296.

The terms of officers of the Bureau of Medical Education and Licensure should be one year. Opinion of Atty. Gen. Bell, Atty. General's Report, 1913-1914, Page 316.

5. Duty of Bureau with Regard to Medical Institutions.. Minimum Standard of Preliminary Education. It shall be the duty of the bureau, annually, to ascertain the character of the instruction and the facilities possessed by each of the various medical educational institutions chartered under the laws of this Commonwealth, for the teaching of the various departments of medicines in accordance with the requirements of this act, and make report of the same at each annual meeting of the bureau. Any medical institution chartered by this Commonwealth, and empowered to confer the degree in medicine, that shall be unanimously adjudged by the bureau as failing to provide the proper facilities, as maintaining a lower minimum standard than that required under the provisions of this act, said minimum standard being in addition to a general preliminary education of not less than a standard four years high school course, or its equivalent, not less than one year of college credits in chemistry, biology, and physics, all of which shall have been acquired prior to entering a medical school, and a graded medical and surgical course of four years, each of which shall be of not less than thirty-two weeks of not less than thirty-five hours of each week, of actual work in didactic, laboratory, and clinical study in different calendar years, shall be duly notified of the same, in writing signed by the secretary of the bureau. Failure to conform to the authorized standard, after such notification, shall render graduates of said institution, ineligible for licensure until such time as the instruction and course are made to the standard adopted, as herein provided.

Section 4, Act of June 3, 1911, P. L. 639, which Section was amended in part by Act of July 25, 1913, P. L. 1220.

6. Qualifications of Applicants for Licensure. Licensing of Applicants from Foreign Countries. Penalty. Applicants for licensure under the provisions of this act shall furnish, prior to any examination by the said bureau satisfactory proof that he or she is twenty-one years of age, is of good moral character, is not addicted to the intemperate use of alcohol or narcotic drugs, and has had a general education of not less than a standard four years' high school course, or its equivalent, and not less than one year of college credits in chemistry, biology and physics,—all of which have been received before admission to medical study,—and have attended four graded courses of not less than thirty-two weeks of not less than thirty-five hours each, of actual work in didactic laboratory, and clinical study, in different calendar years, in some reputable and legally incorporated medical school or college, or colleges, recognized as such by the

Bureau of Medical Education and Licensure of the State of Pennsylvania, the dean or proper officer of which college having certified that the applicant has successfully passed each of said respective courses, and shall have completed not less than a year as an intern in an approved hospital which shall have at least twenty-five beds to each intern devoted to the treatment of medical, surgical, gynecological and special diseases; shall maintain or establish cooperation with a maternity department or hospital, in which each intern shall have not less than six weeks' service, or the equivalent thereof, during which time he shall have attended or participated in the attendance upon not less than six confinements; shall maintain a thoroughly equipped, modern pathological and clinical laboratory, proportionate to the necessities of the hospital; and the records on file of the cases treated in said hospitals shall give evidence of the laboratory work so done by the intern; shall maintain a department of anaesthesia consisting of one or more anaesthetists who shall have supervision over all the anaesthesia given in the institution, and whose duty it will be to instruct all interns in the administration of anaesthetics; and, in the case of applicants of acceptable age and otherwise acceptable to the Federal Government, shall have received an approved three months' field course and service in military medicine. Nothing in this act, however, shall be construed as applying to hospitals employing, on salary, graduate interns whose service is confined exclusively to said institution. A school or college to be reputable under the meaning of this act must conform to the standard required in section three of this act.

Applicants from countries foreign to the territory of the United States, who desire to be licensed by said bureau, shall, before examination, furnish similar proof as to age, moral character, use of alcohol and narcotics; and shall present a certificate of diploma indicating the completion of a preliminary and medical and surgical education equivalent to the above. Each application to the said bureau, for examination or licensure, shall have attached thereto the affidavit or affirmation of the applicant as to its verity. Any applicant stating any fact in his application, which shall thereafter be proven to be false, shall be deemed guilty of perjury, and on conviction shall be subject to its penalties.

Section 1, Act of May 24, 1917, P. L. 271, amending Section 5, Act of June 3, 1911, P. L. 639.

7. Meetings of Bureau. Examinations. Reciprocity with Other States. Licensing of Applicants. Record of Licensees. Members of Bureau may Administer Oaths. The Bureau of Medical Education and Licensure shall hold two stated meetings each year at Harrisburg, for the transaction of its business; shall hold at least two examinations each year, and shall hold special meetings, at its discretion, upon giving due notice thereof.

The examinations conducted by the said bureau shall be written in the English language, but may, at its discretion, be by oral or practical laboratory or bed-side examinations, or both. For the purpose of conducting such examinations, the bureau shall have the privilege of calling to its aid medical assistants. The examinations shall be held at such times and places as shall be designated by the Bureau of Medical Education and Licensure, at their discretion. Such examinations shall include anatomy, physiology, chemistry as applied to medicine, hygiene, and preventive medicine, pathology as applied to medicine, bacteriology, symptomatology, diagnosis, surgery, gynecology and obstetrics, medical jurisprudence, and toxicology, practice and materia medica and therapeutics; the examination in practice and materia medica and therapeutics to be conducted by the members of the bureau of the same school of medicine as the respective applicant.

Any applicant who presents satisfactory evidence as to age, preliminary education and good moral character, and proper credentials signed by the dean of, and with the seal of, a reputable and legally incorporated school or college of medicine, recognized as such by the Bureau of Medical Education and Licensure of the State of Pennsylvania, that he or she has completed at least two of the required four graded courses of training in said school, of not less than thirty-two weeks, of not less than thirty-five hours each week, of actual work in didactic, laboratory, and clinical study, and in two different calendar years, may be examined forthwith by the bureau, at its discretion, upon the subjects of descriptive anatomy, physiology and chemistry; and if such applicants are respectively shown to be proficient in such subjects, they may be exempted from further examinations in said subjects at the final examination. In case of failure at any partial examinations, thus given, at the end of the second course in a medical school or college the candidate shall not then be examined in the subjects of descriptive anatomy, physiology and chemistry, or in any one or more of the subjects in which he may have failed, until the completion of the required course of study, but such candidate shall be admitted to the final examination given in this State, provided he or she produces sufficient evidence of continuing good moral character.

In case of failure at any final examination, the applicant shall have, after the expiration of six months and within two years, the privilege of a second examination by the bureau, without the payment of an additional fee. In case of failure in a second final examination, the applicant must enter *de novo*, and only after a year of postgraduate study approved by the bureau, and qualify under the conditions obtaining at the time of this application. Applicants for a licensing certificate who have been examined and licensed by State Boards of Medical Examiners or State Boards of Health of other states, which,

through reciprocity, similarly accredit the holders of licensing certificates from the Bureau of Medical Education and Licensure of this Commonwealth to the full privileges of practice within their respective boundaries, or applicants with a medical degree from colleges in good standing with the Bureau of Medical Education and Licensure, shall on the payment of a fee of fifty dollars to the said bureau, and on filing in the office of the bureau a true and attested copy of said license, certified by the president or secretary of such State Boards of Medical Examiners or Boards of Health issuing the same, or medical degree of approved colleges, and showing also that the standard of requirements adopted by said State Board of Medical Examiners or State Boards of Health is equal to that provided for by the provisions of this act, shall without further examination, receive a licensing certificate conferring on the holder thereof all the rights and privileges accorded by this act: Provided, however, That such applicant has not previously failed at an examination of this Commonwealth.

And further, it shall be the duty of said Bureau of Medical Education and Licensure, at its discretion, to examine any person pretending to a knowledge of any branch or branches of medicine or surgery, for the purpose of establishing regulation and State licensure. For this purpose it shall be the duty of said bureau to establish such oversight of instruction and teaching of the schools or colleges or individuals so pretending, if any such obtained, as is provided for in this act in the case of medical schools and colleges; and, further, they shall conduct such limited examinations as are in their judgment necessary for the purpose of determining whether or not the applicant has a proper degree and knowledge of his or her subject, and of determining whether, in other respects, as provided for in this act, they are worthy of registration and State licensure. For the purpose of conducting such examinations, the bureau shall have the privilege of calling to its aid men or women of established reputation and known ability in the particular pursuit under consideration, and who shall be compensated for their services at the rate of not more than ten dollars per day, in addition to all incurred expenses. Reciprocity and other provisions, as provided for in this act in the case of doctors of medicine and surgery, may be established, at the discretion of the bureau, for these limited practitioners.

Upon the requisite degree of knowledge and the moral character of the applicant being established, as above provided for, and on the payment of a fee of twenty-five dollars (\$25.00), the Bureau of Medical Education and Licensure of the Department of Public Instruction shall forthwith issue a State certificate to the applicant, limited to the practice of his or her pursuit in this State, this fact being plainly stated across the face of the certificate. Such a system of special licensure being once established, it shall thereafter be un-

lawful for any person or persons to practice said system in this State without the said State certificate, which certificate shall be revocable by the Bureau of Medical Education and Licensure, on proof of violation of the rules and regulations of said bureau; and on proof of violation of this provision of this act, the holder of said certificate shall be liable to all the penalties provided for in section one of this act in case of doctors of medicine and surgery. A record of all persons so licensed shall be kept in the archives of the Department of Public Instruction, and shall have the standing, before the law, of any other license issued by the Bureau of Medical Education and Licensure. For the purpose of determining the verity of credentials and applications, conducting examinations, or discovering fraud or dishonesty, the secretary of the bureau, or, in his absence, any member thereof, shall have the right to administer oaths or any form of obligation required by law.

Section 5, Act of July 25, 1913, P. L. 1220, amending Section 6, Act of June 3, 1911, P. L. 639.

Upon the application of a person to practice electro therapy the Bureau of Medical Education and Licensure should examine him for right to practice "Massage and Allied Branches," Opinion of Dep. Atty. Gen. Cunningham, Atty. Gen. Rep. 1913-14, Page 319.

8. Persons Passing Final Examinations to Receive License. Registry of License. To be Received as Evidence. Exceptions. Physicians of Other States Residing near State Boundary Lines. All persons who have complied with the requirements of the rules and regulations of the bureau, and who shall have passed a final examination, and who have otherwise complied with the provisions of this act, shall receive from said bureau, under its seal, a licensing certificate entitling them to the right to practice medicine and surgery, or special branches of medicine and surgery, as provided for in section six, in this Commonwealth; which said license certificate shall be duly registered in the office of the Superintendent of Public Instruction of this Commonwealth, in a record book to be properly kept for that purpose, and which shall be open to public inspection; and a certified copy of said record shall be received as evidence in all courts in this Commonwealth in the trial of any case: Provided, That this section, relating to certificates to practice medicine and surgery, shall not apply to officers in the regular medical service of the United States Army and Navy, or the United States Public Health and Marine Hospital Service, while in discharge of their official duties; or to any one who may be a duly registered practitioner of medicine in any other State or Commonwealth, who may be called upon by a registered physician of this Commonwealth to consult with him in a case under treatment; or any one while actually serving as a member of the resident medical or surgical staff of any legally incorporated or State hospital: And provided further,

That any duly registered practitioner of medicine residing in any State near the boundary line between said State, and this Commonwealth, whose practice extends into this State, shall have the right to practice in this Commonwealth, at the discretion of the bureau; provided he files with the secretary of the Bureau of Medical Education and Licensure of this Commonwealth a certified copy of his registration in the State where he resides; and provided that the Board of Examiners of the adjoining State reciprocate by extending the same privilege to practitioners of medicine and surgery in this Commonwealth; in which case he shall receive from the secretary of the bureau created by this act a licensing certificate, issued by the said bureau, but which shall be automatically revoked if he changes his said residence or office of practice.

Section 7, Act of June 3, 1911, P. L. 639.

An interne, even though on the staff of a hospital, cannot practice medicine without a license, as required by this Act: Opinion of Dep. Atty. Gen. Wolf, 23 D. R. 50.

9. Fees to be Charged by Bureau. Seal. Office. Printing, Supplies, etc. Said Bureau of Medical Education and Licensure shall have the power to charge a fee for all examinations that may be made by them, and which shall not exceed the sum of twenty-five dollars for the collective or total examination of any applicant, except as provided for in section six. They shall adopt a seal; and shall have an office at Harrisburg, for the purpose of holding examinations, and where all their permanent records shall be kept, open to public inspection. For that purpose they shall have the power to make requisition upon the proper State officials for office rooms and supplies, including stationery and furniture. All the printing and binding necessary for the work of the said bureau shall be done by the State Printer, upon an order issued by said Bureau to the Superintendent of Public Printing and Binding, certified to by the secretary of said bureau.

Section 8, Act of June 3, 1911, P. L. 639.

10. Disposition of Fees. Bond of Treasurer. All fees that may be received by said bureau, from examination or any other source, shall be paid over to the Treasurer of this Commonwealth by the treasurer of the Bureau of Medical Education and Licensure, at least once in each six months, on a proper audit being made thereof by the Auditor General of this Commonwealth, excepting such as are derived from practitioners of a branch of medicine and surgery, as provided for in section six. In which case the fees are to be utilized in conducting the regulations of the particular branch paying the fee; and the surplus is to be turned over to the State Treasurer, as provided above. And that the treasurer of said bureau shall give a bond to the Commonwealth of Pennsylvania, in the sum of five

thousand dollars, for the faithful performance of his duties; said bond to be approved by the Bureau of Medical Education and Licensure and the Attorney General of this Commonwealth, who shall be custodian of the same.

Section 9, Act of June 3, 1911, P. L. 639, which section was amended in part by Act of July 25, 1913, P. L. 1220.

11. Salaries of Members and Officers of Bureau. Each appointed member of the said bureau shall receive an annual salary of fifteen hundred dollars (\$1500), and the Superintendent of Public Instruction and the Commissioner of Health five hundred dollars (\$500) each, and the secretary and treasurer an additional five hundred dollars (\$500) in addition to the necessary traveling expenses properly incurred and certified to by the secretary of the said bureau.

Section 10, Act of June 3, 1911, P. L. 639.

12. Audit of Accounts of Bureau. For the payment of said salaries and expenses, and for other incidental expenses, including rent, clerical services, stenographer, and typewriting, and any other assistance that may be necessary for carrying into effect the provisions of this act, the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the two fiscal years commencing June first, one thousand nine hundred and thirteen. All accounts of said bureau shall be audited by the Auditor General of this Commonwealth; and, when proper warrants for the payment of the same shall be issued, drawn on the State Treasurer.

Section 11, Act of June 3, 1911, P. L. 639, which Section was amended in part by Act of July 25, 1913, P. L. 1220.

13. Refusal to Grant Licenses. Revocation of Licenses. The Bureau of Medical Education and Licensure shall refuse to grant a license, to practice medicine and surgery, to an applicant upon the presentation to said Bureau of Medical Education and Licensure of a court record showing the conviction, in due course of law, of said person for producing, or aiding, or abetting in producing, a criminal abortion or miscarriage, by any means whatsoever; and, further, the Bureau of Medical Education and Licensure, upon such evidence and proof shall cause the name of any physician licensed to practice medicine and surgery, in the Commonwealth of Pennsylvania, to be removed from the record in the office of the Superintendent of Public Instruction.

The Bureau of Medical Education and Licensure may refuse, revoke or suspend the right to practice medicine and surgery, in this State for any or all of the following reasons; to wit, The conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits or stimulants, narcotics, or any other substance which impairs intellect and judgment to such an extent as to incapacitate for the performance of professional duties.

Any person who is licensed to practice medicine and surgery, or any of its branches, in the Commonwealth of Pennsylvania, or who is an applicant for examination for licensure to practice medicine and surgery in this State, against whom are preferred any of the foregoing charges for causing the revocation or suspension of license, or for causing refusal of the right to be examined for licensure, shall be furnished by the Bureau of Medical Education and Licensure with a copy of the complaint; and shall have a hearing before the bureau, or by attorney, and witnesses may be examined by said bureau respecting the guilt or innocence of said accused. The suspension of license of any person licensed to practice medicine and surgery, shall be removed when said narcotic or vicious habit, hereinbefore specified, shall have been adjudged by the said bureau to be cured or overcome, and said suspended licentiate deemed capable of practicing his or her profession.

Section 2, Act of May 24, 1917, P. L. 271, amending Section 12, Act of June 3, 1911, P. L. 639.

14. To What Act not to Apply. The provisions of this act shall not apply either directly or indirectly, by intent or purpose, to affect the practice of pharmacy as authorized by the act approved May twenty-fourth, one thousand eight hundred and eighty-seven, entitled "An act to regulate the practice of pharmacy and sale of poisons, and prevent adulterations in drugs and medicinal preparations in the State of Pennsylvania," or the several amendments thereto; nor to affect the practice of dentistry as authorized by the act approved July ninth, one thousand eight hundred and ninety-seven, entitled "An act to establish a Dental Council and a State Board of Dental Examiners; to define the powers and duties of said Dental Council and said State Board of Dental Examiners; to provide for the examination and licensing of practitioners of dentistry, and to further regulate the practice of dentistry," or the several amendments thereto; nor to affect the practice of osteopathy as authorized by the act approved March nineteenth, one thousand nine hundred and nine, entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State, and to provide penalties for the violation of this act," nor shall this act be so construed as to give to the Bureau of Medical Education and Licensure any jurisdiction over any of the schools or colleges of the methods herein exempted.

Section 13, Act of June 3, 1911, P. L. 639.

15. Validation of Diplomas of Certain Persons. That any person heretofore having had a medical diploma issued to him by any

reputable college or university in another state or foreign country, authorized by law to grant diplomas and confer degrees, and such diploma having been improperly registered under the provisions of the Act of Assembly approved June eighth, Anno Domini one thousand eight hundred and eighty-one, entitled "An act to provide for the registration of all practitioners of medicine and surgery," the diploma of such person be and is hereby made valid for all purposes, with the same effect as if the registry of the same had been in the form and under the requirements of said act, and the practice of medicine, or any of such improperly or illegally registered diploma, shall, from the date of such registry, be and the same is hereby made lawful and with the same effect as if his said diploma had been properly and legally registered under the provisions of said act: Provided, Said physician shall appear before the proper board of examiners at the next meeting after the passage of this act and shall properly qualify under existing laws.

Section 1, Act of July 9, 1897, P. L. 216.

(b) Bureau of Professional Education. Preliminary Education of Physicians.

16. Reasons for Passage of Act. Whereas, The methods of determining the preliminary educational qualifications of applicants for the licensure to practice medicine, [dentistry, or pharmacy], are unprovided for, and inadequate to the needs and dignity of the Commonwealth of Pennsylvania; and,

Whereas, No properly constituted authority exists for such determination; therefore,—

Whereas Clause to Act of June 19, 1911, P. L. 1045.

17. Bureau of Professional Education Established. That there shall be created a Bureau of Professional Education, as a subdepartment of the Department of Public Instruction, with an office at Harrisburg; and said bureau shall be known as the Bureau of Professional Education of the Department of Public Instruction, and shall be under the immediate direction and supervision of the State Superintendent of Public Instruction.

Section 1, Act of June 19, 1911, P. L. 1045.

18. Employes of Bureau. Compensation of Employes and Superintendent of Public Instruction. The officers and employes of said bureau shall be appointed by the Superintendent of Public Instruction, compensated upon the same basis as other officers and employes of the said Department of Public Instruction, out of an appropriation created therefor. After the expiration of the present term of the

present incumbent, the Superintendent of Public Instruction shall receive, as a compensation for extra duties, a sum not exceeding five hundred dollars annually.

Section 2, Act of June 19, 1911, P. L. 1045.

19. Duty of Bureau with Regard to Preliminary Education of Persons to be Licensed as Physicians. The duty of said bureau shall be the determination, evaluation, standardization, and regulation of the preliminary education, both secondary and collegiate, of those to be hereafter admitted to the practice of medicine, [dentistry, and pharmacy], in this Commonwealth; the preparation and distribution of circulars of information; the preparation of uniform blank forms; the holding of examinations at suitable times and places, to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates; the issuing of certificates to those found proficient, directly from the Department of Public Instruction; the establishment of reciprocity with other States as regard preliminary education and professional licenses; the determination and publication of a standard high school course, and the compilation of a list of high schools and other secondary schools of this State conforming to said standard; and the exercising of such power as may be within the right of the Department of Public Education upon the high schools and secondary schools of the State to raise the standard of secondary education. The organization of said bureau shall be under the direction of the Superintendent of Public Instruction: Provided, That nothing in this act shall conflict with the provisions of the statutes of this Commonwealth regulating the practice of medicine, [dentistry, or pharmacy, respectively].

Section 3, Act of June 19, 1911, P. L. 1045.

20. Students from Other States and Foreign Countries. Applicants from other States or foreign countries for admission to schools of medicine, [dentistry, or pharmacy,] or for the licensure to practice medicine, [dentistry, or pharmacy,] within the State of Pennsylvania, who do not hold a diploma from an accredited college, or a certificate of having passed the entrance examination to a first year course in an accredited college, or satisfactory evidence of having graduated from a high school or secondary school, the standard of which shall be equivalent to the standard adopted by the said Bureau of Professional Education, or satisfactory credentials from accredited secondary schools, shall be subjected to an examination by said bureau, and if successful shall be awarded a certificate, setting forth his or her proficiency, by the said Bureau of Professional Education.

Section 4, Act of June 19, 1911, P. L. 1045.

21. Fees for Certificates of Proficiency and Examinations. A fee of one dollar shall be charged to each applicant for the issuance by the Department of Public Instruction of the certificate of proficiency, to each applicant to whom said certificate shall be issued; and an additional fee of one dollar shall be charged for each examination to be held under the direction of the Superintendent of Public Instruction, by the Bureau of Professional Education, to each applicant for said examination; all monies received by the said Bureau of Professional Education to be turned into the public treasury.

Section 5, Act of June 19, 1911, P. L. 1045.

(c) Communicable Diseases.

22. Physicians to Report Existence of Certain Diseases to Health Authorities. Every physician, practicing in any portion of this Commonwealth, who shall treat or examine any person suffering from or afflicted with actinomycosis, anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), epidemic dysentery (baccillary or amebic dysentery), erysipelas, german measles, glanders (farcy), rabies (hydrophobia), leprosy, malarial fever, measles, mumps, pneumonia (true), puerperal fever, relapsing fever, scarlet fever, (scarlatina, scarlet rash), smallpox (variola, varioloid), tetanus, trachoma, trichiniasis, tuberculosis in any form, typhoid fever, para-typhoid fever, typhus fever, whooping-cough, yellow fever, anterior poliomyelitis, impetigo contagiosa, pellagra, scabies, or uncinariasis, shall, if said case shall be located in a township of the first class, a borough, or a city, forthwith make a report in writing to the health authorities of said township, city, or borough; and, if said case shall be located in a township of the second class, or a city, borough, or township of the first class, not having a board of health or body acting as such, to the health officer appointed by the State Department of Health for such district; upon blanks supplied for that purpose, in which report he shall, over his or her own signature, state the name of the disease, and the name, age, sex, color, nativity, and occupation, if any, of the person suffering therefrom, together with the street and house number of the premises in which said person may be located, or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred, the number of children in said household attending school and the name or names of the school or schools so attended, together with such information relating to said case as may be required by said health authorities and the State Department of Health.

Section 1, Act of May 28, 1915, P. L. 617.

23. Health Authorities to Institute Quarantine upon Receipt of Report from Physician. Upon receipt by the health authorities of any township of the first class, borough, or city, or by the health officer of the State Department of Health, of a report of the existence of a case of anthrax, bubonic plague, cerebrospinal meningitis (epidemic) (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), german measles, glanders (farcy), leprosy, malarial fever, measles, mumps, relapsing fever, scarlet fever, (scarlatina, scarlet rash), smallpox (variola, varioloid), typhoid fever, para-typhoid fever, typhus fever, whooping-cough, or yellow fever, the said health authorities, or the health officer of the State Department of Health, as the case may be, shall quarantine or cause to be quarantined the premises in which such disease exists, and any person or persons who has or have been exposed thereto, in the manner prescribed by the rules and regulations both of said health authorities and the State Department of Health; and shall post or cause to be posted in a conspicuous place or places, upon the premises in which said disease may be located, a placard or placards upon which shall be printed in conspicuous letters the name of the disease from which the person or persons in said house or premises is or are suffering, with the warning that the said premises are quarantined, that no person or persons other than the attending physician and trained nurse shall enter or leave the said premises, except by permission of the health authorities, and setting forth the penalties prescribed by this act for violations of quarantine: Provided, That variola or varioloid shall be placarded as "smallpox," and that diphtheritic croup, membraneous croup, and putrid sore throat shall be placarded as "diphtheria," that scarlatina and scarlet rash shall be placarded as "scarlet fever," and that para-typhoid fever shall be placarded as "typhoid fever:" Provided further, That, in addition to the placarding aforesaid, said health authorities may, for the purpose of enforcing quarantine regulations, place a guard or guards over said house or premises.

Section 2, Act of May 28, 1915, P. L. 617.

24. Removal of Placards. The said placard or placards shall remain in place until the expiration of the quarantine period fixed by the health authorities, and the recovery, death, or removal of the person or persons affected; and shall only be removed by the health officer, at which time he shall disinfect the premises, except for typhoid fever and para-typhoid fever, in accordance with the rules and regulations of the health authorities and the State Department of Health regarding the destruction and disinfection of infected bedding, clothing, and other articles which have been exposed to infection, and the disinfection of rooms, premises, and inmates.

Section 3, Act of May 28, 1915, P. L. 617.

25. Periods of Quarantine. The quarantine period for anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), Asiatic cholera, typhus fever, yellow fever, relapsing fever, leprosy and whooping-cough shall be until the recovery, death, or removal of the patient so suffering, and shall be determined in accordance with the rules and regulations of the health authorities. The quarantine period for smallpox (variola, varioloid), and scarlet fever (scarlatina, scarlet rash), shall be a minimum period of thirty days, or until such time thereafter as the last person in the premises so suffering shall have fully recovered, or until death or removal. The quarantine period for diphtheria (diphtheritic croup, membranous croup, putrid sore throat), shall be a minimum period of twenty one days, or until complete recovery or the death or removal of the patient: Provided, That if antitoxin has been used for curative purposes for the patient, and for the immunizing of all of the inmates of the premises, and two negative bacteriological cultures have been secured from the diseased area of each patient on the premises, for two successive days, the minimum period of quarantine may be fourteen days. The quarantine period for measles, German measles, chicken-pox, and mumps, shall be for a minimum period of sixteen days, or until the recovery of the last person on the premises so suffering, or until complete recovery or the death or removal of the patient.

Section 4, Act of May 28, 1915, P. L. 617.

26. Persons Suffering from Certain Diseases not to Attend in Public Places. No child or other person suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), Asiatic cholera, smallpox, (variola, varioloid), typhus fever, yellow fever, relapsing fever, leprosy, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), measles, German measles, glanders (farcy), chicken-pox, mumps, or whooping-cough shall be permitted to attend any place of amusement, or any church, or other public gathering, or to be exposed on any public street, or in any store, shop, factory, or other place of business, or be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools, and the principals, superintendents, teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any of such persons from said schools; such exclusion to continue until the case has recovered, the quarantine lifted, and the premises thoroughly disinfected.

Section 5, Act of May 28, 1915, P. L. 617.

27. Persons Suffering from Certain Diseases not to Attend in Public Places. No child or other person suffering from scarlet fever (scarlatina, scarlet rash) shall be permitted to attend any place of

amusement, or any church, or other public gathering, or to be exposed on any public street, or in any store, shop, factory, or other place of business, or be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools, and the principals, superintendents, teachers, or other persons in charge of private, parochial, Sunday, or other schools, are hereby required to exclude any and all such persons and children from said school; such exclusion to continue for a period of ten days following the removal of quarantine and a thorough disinfection of the premises, subject to a certificate of complete recovery furnished to the health authorities by the attending physician.

Section 6, Act of May 28, 1915, P. L. 617.

28. Persons Residing in Buildings, Wherein are Confined Persons Suffering with Certain Diseases, not to Attend in Public Places. No child or other person residing in the same premises with any person suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), Asiatic cholera, smallpox (variola, varioloid), typhus fever, yellow fever, scarlet fever, (scarlatina, scarlet rash), relapsing fever, leprosy, diphtheria (Diphtheritic croup, membranous croup, putrid sore throat), measles, German measles, chicken-pox, or mumps, shall be permitted to attend any place of amusement, or any church, or other public gathering, or to be exposed, except by permission of the health authorities, on any public street or in any store, shop, factory, or other place of business, or be permitted to attend any public, private, parochial, Sunday, or other schools; and the teachers of public schools, and the principals, superintendents, teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any and all such persons from said schools; such exclusion to continue until quarantine is lifted and the premises thoroughly disinfected.

Section 7, Act of May 28, 1915, P. L. 617.

29. Under What Conditions Persons Residing on Certain Premises May be Allowed to Remove. Any child or person residing on the same premises with any person suffering from anthrax, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), or typhus fever may be allowed after taking a disinfecting bath and putting on disinfected clothing, to remove from the said premises and take up his or her residence on other premises, and may after such removal be admitted into any of the said schools; and any child or person residing on the same premises with any one suffering from diphtheria (diphtheritic croup, membranous croup, putrid sore throat), may be allowed, after taking a disinfecting bath and putting on disinfected clothing and after antitoxin has been administered for immunizing purposes, to remove from the said premises and take up his or her residence on other premises occupied only by adults;

and may, after five days from said removal, be admitted into any of the said schools; and any child or person residing on the same premises with any child suffering from scarlet fever (scarlatina, scarlet rash), measles, German measles, mumps, or chicken-pox, may be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove from the said premises, and take up his or her residence on other premises occupied only by adults, or by children who are immune to the disease (scarlet fever, scarlatina, scarlet rash, measles, German measles, mumps, or chicken-pox), existing on the said premises from which the said child or person has removed, such immunity being shown by the official health records, and may, fourteen days after such removal, be admitted to any of the said schools: Provided, That if the child or person residing on the same premises with any person suffering from any of the said diseases (scarlet fever, scarlatina, scarlet rash, measles, German measles, mumps, or chicken-pox), and removing therefrom as above provided, is himself or herself immune from the disease existing on the said premises, by virtue of a former attack, this fact being shown by the official health records or by other evidence satisfactory to the health authorities, such immune child or person may, on the day following such removal, be admitted to any of the said schools; and any child or person residing on the same premises with any person suffering from relapsing fever may be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove from the said premises, and take up his or her residence on other premises, and may, after ten days from such removal, be admitted to any of the said schools.

Section 8, Act of May 28, 1915, P. L. 617.

30. Persons in Charge of Schools to Report to Health Authorities Suspected Cases.. That every teacher, principal, superintendent, or other person or persons in charge of any public, private, parochial, Sunday, or other school, having in any such school any child or person showing an unusual rash or skin eruption, or complaining of soreness in the throat, or having symptoms of whooping-cough, or any disease of the eye, shall immediately exclude such child or other person from the schools, pending the action of the health authorities, and shall report such fact to the health authorities and shall report such fact to the health officer of the city, borough, or township, giving the name and residence of such child or other person.

Section 9, Act of May 28, 1915, P. L. 617.

31. Children to Furnish Certificates Before Re-Admission to Schools. No child or other person, excluded from any school by the provisions of this act, shall be readmitted thereto unless he or she, or some person on his or her behalf, shall furnish to the principal, superintendent, or teacher, or other person in charge of said school, a certificate setting forth that the conditions for such readmission

prescribed by this act have been complied with; which certificate shall be signed by a person to be designated for that purpose, in cities, boroughs, and townships of the first class, by the health authorities thereof, exclusively; and in townships of the second class, and cities, boroughs, and townships of the first class, not having boards of health or bodies acting as such, by the State Department of Health; and the registry of all public, private, parochial, Sunday, and other schools shall exhibit the names and residences of all children and persons excluded therefrom or readmitted thereto, agreeably to the provisions of this or any other act of Assembly; and said register shall be open at all times to the inspection of the city, borough, or township authorities and the State Department of Health, and their respective officers and agents.

Section 10, Act of May 28, 1915, P. L. 617.

32. Health Authorities to Furnish all Necessary Blanks. Blanks whereon to make the reports and certificates required by this act shall be supplied, in cities, boroughs, and townships of the first class, by the health authorities thereof, respectively; and in townships of the second class, and in cities, boroughs, and townships of the first class, not having boards of health or bodies acting as such, by the State Department of Health.

Section 11, Act of May 28, 1915, P. L. 617.

33. Health Authorities to Furnish Persons in Charge of Schools With Names of Persons Suffering with Communicable Diseases. It shall be the duty of the health authorities of cities, boroughs, and townships of the first class, respectively, to furnish daily, by mail or otherwise, to principals, superintendents, teachers, and other persons in charge of public, private, parochial, Sunday, and other schools, a printed or written bulletin containing the name, location, and disease of all persons suffering from any of the diseases mentioned in sections five and six of this act, upon receipt by them of reports of such cases from physicians, as required by section one of this act; and such bulletin shall be daily furnished to such persons in charge of such schools in townships of the second class, and in cities, boroughs, and townships of the first class, not having boards of health or bodies acting as such, by the health officer for the State Department of Health.

Section 12, Act of May 28, 1915, P. L. 617.

34. Premises to be Fumigated and Disinfected or Destroyed. Upon the removal to a hospital or other place, or upon the discharge by the recovery or death of any person or persons who has or have suffered from tuberculosis or any of the diseases mentioned in section two of this act, all premises which have been occupied by the said person or persons while suffering from any of the said diseases shall

be fumigated and disinfected, or destroyed, at such time and in such manner as may be authorized and required by the health authorities.

Section 13, Act of May 28, 1915, P. L. 617.

35. Use of Public Vehicle by Persons Suffering with Communicable Diseases. No person suffering from any of the diseases mentioned in section two of this act, nor anyone who has charge of the persons so suffering, shall enter any hired vehicle or other public conveyance, or permit anyone in his or her charge who is suffering therefrom to enter such vehicle, without previously securing the consent of health authorities, and notifying the owner or driver thereof that he or she, or the person in his or her charge, is so suffering; and the owner or driver of such vehicle shall immediately provide for the disinfection of such conveyance, under the direction of the health authorities, after it has with the knowledge of such owner or driver conveyed any such sufferer.

Section 14, Act of May 28, 1915, P. L. 617.

36. Persons Suffering with Communicable Diseases not to Expose Themselves. No person suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), measles, German measles, glanders (farcy), mumps, relapsing fever, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), typhus fever, typhoid fever, yellow fever, or whooping-cough, shall wilfully expose himself or herself in any street or public place, or public conveyance, nor shall any person in charge of anyone so suffering thus expose the sufferer.

Section 15, Act of May 28, 1915, P. L. 617.

37. Bedding, etc., Not to be Sold, etc., Without Disinfection. No person, without previous disinfection, give, lend, sell, transmit, or expose any bedding, clothing, rags, or other articles which have been exposed to infection from any of the diseases mentioned in section one of this act: Provided, That such restriction shall not apply to the transmission of articles, with proper precaution, for the purpose of having the same disinfected.

Section 16, Act of May 28, 1915, P. L. 617.

38. Rooms, etc., not to be Let Without Disinfection. No person shall let any room, house, or part of a house, in which there has been a person suffering from tuberculosis or any of the diseases mentioned in section two of this act, without having such room, house, or part of a house, and all articles therein, previously disinfected to the satisfaction of the health authorities. The keeping of a hotel, boarding-house, or apartment-house shall be deemed as

letting a part of a house to any person who shall be admitted as a guest into such hotel, boarding-house, or apartment-house.

Section 17, Act of May 28, 1915, P. L. 617.

39. Health Authorities Authorized to Establish Rules and Regulations. The health authorities of the several townships, boroughs, and cities of this Commonwealth may, and they are hereby authorized and empowered to, establish additional rules and regulations regarding the isolation and quarantine of persons who may be suffering from any of the diseases mentioned in section one of this act, and for the destruction, disinfection, and fumigation of bedding, clothing, or other infected articles, and for the disinfection and fumigation of houses and premises, and for the carrying out of the provisions of this act, as they may in good faith declare the public safety and health demand; which rules and regulations they may, from time to time, alter or amend, but in no instance shall such rules abridge in any way the provisions of this act or the regulations of the State Department of Health.

Section 18, Act of May 28, 1915, P. L. 617.

40. Burial of Persons Dying of Certain Communicable Diseases. In the preparation for burial of the body of any person who has died of Asiatic cholera, glanders (farcy), bubonic plague, smallpox (variola, varioloid), yellow fever, typhus fever, scarlet fever (scarlatina, scarlet rash), relapsing fever, cerebro spinal meningitis (epidemic), (cerebro spinal fever, spotted fever), diphtheria (diphtheritic croup, membranous croup, putrid sore throat), tetanus, or leprosy, it shall be the duty of the undertaker, or person acting as such, to thoroughly disinfect and place such body within the coffin or casket in which it is to be buried within six hours after being first called upon to take charge of the same, provided said call is made between the hours of five ante meridian and eleven post meridian; otherwise, such body shall be placed in such coffin or casket within twelve hours; the coffin or casket then to be closed tightly, and not again opened unless permission be granted by the health authorities for special and satisfactory cause shown.

Section 19, Act of May 28, 1915, P. L. 617.

41. Maximum Time in Which to Bury Bodies. The body of a person who has died of any of the diseases mentioned in section nineteen of this act shall not remain unburied for a longer period of time than thirty-six hours after death, unless special permission be granted by the health authorities extending the time during which said body shall remain unburied, for special and satisfactory cause shown. The undertaker, or person acting as such, shall be responsible for any violation of the provisions of this section.

Section 20, Act of May 28, 1915, P. L. 617.

42. Funeral Services to Be Private. All services held in connection with the funeral of the body of a person who has died of any of the diseases mentioned in section nineteen of this act shall be private, and the attendance thereat shall include only the immediate adult relatives of the deceased, who may not at the time be under absolute quarantine restrictions, and the necessary number of adult pall-bearers, and any advertisement of such funeral shall state the cause of death.

Section 21, Act of May 28, 1915, P. L. 617.

43. Funeral Services Not to Be Held in Public Places. The body of a person who has died of any of the diseases mentioned in section nineteen of this act shall, in no instance, be taken into any church, chapel, public hall, or public building, for the holding of funeral services. The undertaker, or person acting as such, and the sexton, janitor, or other person having control of such church, chapel, public hall, or public building, shall be responsible for any violation of the provisions of this section.

Section 22, Act of May 28, 1915, P. L. 617.

44. Conveyances at Funeral Services. No undertaker, or person acting as such, at the funeral or burial of the body of a person who has died of any of the diseases mentioned in section nineteen of this act, shall furnish or provide for such funeral or burial more than the necessary number of conveyances for such adult relatives as are mentioned in section twenty-two of this act, and pall-bearers; and all such conveyances shall be fumigated and disinfected, at such time and in such manner as may be directed and required by the health authorities.

Section 23, Act of May 28, 1915, P. L. 617.

45. Bodies to Be Moved Only in Hearses or Other Suitable Vehicle. The body of a person who has died of any of the diseases mentioned in section nineteen of this act shall not be conveyed from any dwelling, or other building or place, to any cemetery or other point or place, except in a hearse, or other vehicle used for the purpose of conveying corpses only, or in such vehicles as shall be satisfactory to the health authorities, and under such regulations as they may in any case adopt. The undertaker, or person acting as such, having charge of the funeral or transportation of such body, shall be responsible for any violation of the provisions of this section.

Section 24, Act of May 28, 1915, P. L. 617.

46. Health Authorities to Make Weekly Reports to State Department of Health. The health authorities of the several cities, boroughs, and townships of the first class, shall, at the end of each week, and for the fraction of each week occurring at the end of each month, report to the State Department of Health, upon blanks supplied for

that purpose, a list of all cases of communicable diseases, mentioned in section one of this act, which have been reported to them during said period; which report shall contain the name of each person suffering therefrom, respectively, and his or her age, sex, color, and nativity, together with the name of the disease and the date of the onset thereof; and, in the event of no reports of any of said diseases having been received by the aforesaid health authorities, respectively, during any said period, that fact shall be reported to the State Department of Health.

Section 25, Act of May 28, 1915, P. L. 617.

47. Penalties. Any person who shall remove, deface, cover up, or destroy, or cause to be removed, defaced, covered up, or destroyed, any placard relating to any of the diseases mentioned in section two of this act, shall, for every such offense, upon conviction thereof, in a summary proceeding before any magistrate or justice of the peace of the county wherein such offense was committed, be sentenced to pay a fine of not less than ten (\$10) dollars or more than one hundred (\$100) dollars, to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten days or more than thirty days, or both, at the discretion of the court. Any person, other than the attending physician or trained nurse, who shall enter or leave any quarantined premises, without having secured permission from the health authorities; or who shall violate any of the quarantine restrictions imposed by this act, or by the rules and regulations of the health authorities of any city, borough, or township of the first class, or the rules and regulations of the State Department of Health; or who shall interfere with a health officer or any other duly qualified agent of the State Department of Health, or of any local board or department of health, in the discharge of his official duties in the placarding, quarantining, disinfecting or releasing from quarantine of any premises, or in the investigation of any alleged case of a quarantinable disease, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not less than fifty (\$50) dollars or more than one hundred (\$100.00) dollars, to be paid to the use of the said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

Any physician, undertaker, teacher of a public school, principal of a school, superintendent of a Sunday school, sexton, janitor, parent or guardian, or any other person or persons, who shall fail, neglect or refuse to comply with, or who shall violate any of the provisions of this act, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace

of the county wherein said offense was committed, be sentenced to pay a fine of not less than twenty (\$20) dollars or more than one hundred (100) dollars, to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

Section 26, Act of May 28, 1915, P. L. 617.

(d) Inflammation of the Eyes of Infants.

48. Reasons for Passage of Act. Whereas, Statistics show fully thirty (30) per cent. of cases of blindness to be due to inflammation of the eyes appearing a few days after birth; and,

Whereas, experience has proved that this inflammation can be cured, and the eyesight saved in the majority of cases, if the proper treatment be instituted at an early stage of the disease:

Whereas Clause, Act of June 5, 1913, P. L. 443.

49. Physicians to Report to Health Authorities Infants Suffering with Inflammation of the Eyes. Every physician practicing in any portion of this Commonwealth who shall treat or examine any infant suffering from ophthalmia neonatorum (inflammation of the eyes of infants) shall, if the said case be located in a township of the first class, a borough, or a city, forthwith make a report in writing to the health authorities of said township, city, or borough; and, if said case shall be located in a township of the second class, or a city, borough or township of the first class, not having a board of health, or body acting as such, to the State Department of Health, upon blanks supplied for that purpose; in which report he shall, under his or her own signature, state the name of the disease, and the name, age, sex, color, and nativity of the infant suffering therefrom, together with the street and house number of the premises in which said infant may be located, or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred, together with such other information relating to said case as may be required by said health authorities and the State Department of Health.

Section 1, Act of June 5, 1913, P. L. 443.

50. Midwives and Nurses to Report to Health Authorities Infants Suffering with Inflammation of the Eyes. That any midwife, or nurse, or other person having the care of an infant, whose eyes have become inflamed or swollen or reddened at any time within two weeks after birth, shall report the same, in writing, to the health authorities of the city, borough, or township of the first class in which the case may be located; or, if it be located in a township of

the second class, or a city, borough, or township of the first class, not having a board of health, or body acting as such, the State Department of Health, within six hours after the discovery thereof; giving the name of the infant, the names of the parents or guardians, and the street and number of their residence, or otherwise sufficiently designate the same; together with the fact that such inflammation or swelling or redness exists, and shall make a similar report in writing to some regularly qualified practicing physician of the district.

Section 2, Act of June 5, 1913, P. L. 443.

51. Duty of Health Authorities After Receipt of Report. That it shall be the duty of the said health authorities or the State Department of Health, immediately upon receipt of a written report from a midwife or a nurse, or person other than a practicing physician, to notify the parents or guardian, or other person having charge of the infant, of the danger to the eyes or eye of said infant by reason of any neglect of proper treatment of the same.

Section 3, Act of June 5, 1913, P. L. 443.

52. Physicians to Report to Commissioner of Health. Every physician in this Commonwealth who shall treat any infant's eyes for ophthalmia neonatorum (inflammation of the eyes of an infant), shall, within forty-eight hours after said physician ceases treatment of or attendance upon such case of ophthalmia neonatorum, report to the Commissioner of Health of the Commonwealth of Pennsylvania that said physician has treated a certain case of ophthalmia neonatorum, giving full information as required in section one of this act, stating that he has ceased treatment of or attendance upon said case, and what was condition of infant's eyes when physician ceased treatment of or attendance upon said case of ophthalmia neonatorum.

Section 4, Act of June 5, 1913, P. L. 443.

53. Health Officers to Furnish Copy of Act to Midwives and Nurses. Every health officer shall furnish a copy of this act to every person who is known to him to act as a midwife or nurse in the city, borough, or township for which he is health officer; and the Commissioner of Health of this Commonwealth of Pennsylvania shall cause a sufficient number of copies of this act to be printed and supplied to the health officers.

Section 5, Act of June 5, 1913, P. L. 443.

54. Penalty. Any physician, midwife, nurse or other person who shall violate any of the provisions of this act, shall, upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed, be sentenced to pay a fine of not less than twenty or more than one hundred (\$100) dollars, to be paid to the use of the said county, and

the costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten (10) or more than thirty (30) days, or both, at the discretion of the court.

Section 6, Act of June 5, 1913, P. L. 443.

**(e) Opium and Coca Leaves and Their Compounds and Derivatives.
(Anti-Dope Law.)**

See Pharmacists (e).

(f) Physicians Attending Insane.

55. Right of Insane Patients to Medical Attendance. During the detention of any person as insane, any medical practitioner designated by him, or by any member of his family, or "near friend," with the sanction of a judge of a court of record of the county in which such insane person resided at the time of his removal and detention, shall be permitted, at all reasonable hours, to visit and examine the patient; and such medical attendant shall, unless objected to by the patient, be permitted by request of his or her family or "near friend," and with the consent of the physician in chief of the establishment, to attend the patient for all maladies other than insanity, in the same manner as if the patient were in his own home.

Section 27, Act of May 8, 1883, P. L. 21.

(g) False Certificates by Physicians.

56. Physicians Falsely Certifying to Insanity of Persons. Penalty. That if any physician shall falsely certify to the insanity of any person, under the provisions of the first section of the act to which this is a supplement, and it shall appear in evidence that such false certificate was the result of negligence or deficient professional skill on the part of said physician, or that the said physician signed such certificate for a pecuniary reward, or for the promise of a pecuniary reward, or for any other consideration of value whatsoever, other than the professional fee usually paid for such services, or in which such false certificate shall tend, in any manner, directly or indirectly, to advantage said physician other than relates to the said professional fee, then the said physician shall be guilty of a misdemeanor, and on conviction be fined not exceeding five hundred dollars, or undergo an imprisonment not exceeding one year, or both or either, at the discretion of the court.

Section 1, Act of March 23, 1876, P. L. 8.

(h) Vital Statistics.

57. State Department of Health to Have Charge of System of Registration of Births, Deaths, Marriages and Disease. It shall be the duty of the State Department of Health to have charge of the

State system of registration of births, deaths, marriages, and disease; to prepare the necessary methods, forms, and blanks for obtaining and preserving such records and to insure the faithful registration of the same in the townships, boroughs, cities, counties, and in the Central Bureau of Vital Statistics at the capital of the State. The said department shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall, from time to time, recommend any additional forms and amendments that may be necessary for this purpose.

Section 1, Act of June 7, 1915, P. L. 900.

58. Central Bureau of Vital Statistics Established. The Commissioner of Health, of the State Department of Health, shall have general supervision over the Central Bureau of Vital Statistics, which is hereby authorized to be established by said department, and which shall be under the immediate direction of the State Registrar of Vital Statistics, whom the said Commissioner of Health shall appoint, and who shall be a medical practitioner of not less than ten years' practice in his profession, and a competent vital statistician. The term of appointment of the State Registrar of Vital Statistics shall be four years, beginning with the first day of January, nineteen hundred and thirteen, and any vacancy occurring in the office of the State Registrar of Vital Statistics shall be filled by appointment of the said Commissioner of Health. The State Registrar of Vital Statistics shall receive a salary of four thousand dollars per annum. The State Department of Health shall provide for such clerical and other assistance as may be necessary for the purposes of this act, and may fix the compensation of persons thus employed within the amount appropriated therefor by the legislature. Suitable apartments shall be provided for the State Bureau of Vital Statistics in the State capitol at Harrisburg, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all records made and returned under this act.

Section 2, Act of June 7, 1915, P. L. 900.

59. Registration Districts. For the purposes of this act, the State shall be divided into registration districts as follows: Each city, borough, and township shall constitute a primary registration district, but two or more primary registration districts may be united into one registration district.

Section 3, Act of June 7, 1915, P. L. 900.

60. Local Registrars and Subregistrars. The Commissioner of Health shall appoint a local registrar of vital statistics for each registration district of the State. The term of office of local registrars shall be for four years, beginning with the first day of January, of the year nineteen hundred and thirteen, and their successors shall be ap-

pointed at least ten days before the expiration of their term of office: Provided, however, That all local registrars now serving under appointment of the Commissioner of Health shall continue to serve until the expiration of their term for which they have been appointed. Any local registrar, appointed by the said Commissioner of Health, who fails or neglects to efficiently discharge the duties of his office, or who fails to make prompt and complete returns of births and deaths as required hereby, shall be forthwith removed from his office by the said Commissioner of Health, and his successor appointed, in addition to any other penalties that may be imposed, under other sections of this act, for failure or neglect to perform his duty. Each local registrar appointed by the Commissioner of Health shall, immediately upon his acceptance of appointment as such, appoint a deputy whose duty it shall be to act in his stead in case of absence, illness, or disability, and who shall accept such appointment in writing, and who shall be subject to all rules and regulations governing the actions of local registrars; and when it may appear necessary for the convenience of the people in any township, a local registrar is hereby authorized, with the approval of the State Registrar, to appoint one or more suitable and proper persons to act as subregistrars who shall be authorized to receive certificates, and to issue burial or removal permits, in and for such portions of the township as may be designated; and each subregistrar shall note, over his signature, the date on which each certificate was filed, and forward all certificates to the registrar of the township within ten days, and, in all cases, before the third day of the following month: Provided, That all subregistrars shall be subject to the supervision and control of the State Registrar, and may be by him removed for neglect or failure to perform their duties in accordance with the provisions of this act or the rules and regulations of the State Registrar, and they shall be liable to the same penalties for neglect of duties as the local registrar.

Section 4, Act of June 7, 1915, P. L. 900.

61. Burial permits. The body of any person whose death occurs in the State shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a permit for burial, removal or other disposition shall have been properly issued by the local registrar of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him as hereinafter provided: Provided, That when a dead body is transported by common carrier into a registration district in Pennsylvania for burial, then the transit and removal permit issued in accordance with the law and health regulations of the place where the death occurred, when said death occurs outside of the State of Pennsylvania, shall be

accepted by the local registrar of the district, into which the body has been transported for burial or other disposition, as a basis upon which he shall issue a local burial permit in the same way as if the death occurred in his district, but shall plainly enter upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; but a burial permit shall not be required from the local registrar of the district in which interment is to be made when a body is removed from one district in Pennsylvania to another district in the State, for purpose of burial or other disposition, either by common carrier, hearse, or other conveyance, and no local registrar shall, as such, require from undertakers, or persons acting as undertakers, any fee for the privilege of burying dead bodies.

Section 5, Act of June 7, 1915, P. L. 900.

62. Certificates in Case of Stillborn Children. Stillborn children, or those dead at birth, shall be registered as births, and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar in the usual form and manner; the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation in months, if known, and a burial or removal permit in usual form shall be required. Midwives shall not sign certificates of death for stillborn children; but such cases and stillbirths occurring without attendance of either physician or midwife shall be treated as deaths without medical attendance, as provided for in section eight of this act.

Section 6, Act of June 7, 1915, P. L. 900.

63. Contents of Death Certificate. The certificate of death shall contain the following items:

(1) Place of death; including state, county, township, borough, or city. If in a borough or city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street, and the house number. If in an industrial camp, the name to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race; as, white, black (negro or negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition; as single, married, widowed, or divorced.

(6) Date of birth, including the year, month and day.

(7) Age in years, months, and days.

- (8) Place of birth, state or foreign country.
- (9) Name of father.
- (10) Birthplace of father, state or foreign country.
- (11) Maiden name of mother.
- (12) Birthplace of mother, state or foreign country.
- (13) Occupation. The occupation to be reported of any person who had any remunerative employment, women as well as men.
- (14) Signature and address of informant.
- (15) Date of death, including the year, month and day.
- (16) Statement of medical attendance on decedent, fact and time of death, including the time last seen alive.
- (17) Cause of death, including the primary and immediate causes, and contributory causes or complications, if any, and duration of each.
- (18) Signature and address of physician or official making the medical certificate.
- (19) Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, length of time, and place of death, and place where the disease was contracted.
- (20) Place of burial or removal.
- (21) Date of burial or removal.
- (22) Signature and address of undertaker.
- (23) Official signature of registrar, with date when certificate was filed, and registered number.

The personal and statistical particulars (items one to thirteen), shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker, or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased; who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death so as to show the course of disease, or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate containing only such terms as defined by the State Registrar shall be returned to the physician for correction and definition. Causes of death which may be the result of either disease or violence shall be carefully defined; and, if from violence, its nature shall be stated, and whether (probably) accidental, suicidal, or homicidal. And in

case of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head (item nineteen), and shall state where, in his opinion, the disease was contracted.

Section 7, Act of June 7, 1915, P. L. 900.

64. Deaths Without Medical Attendance. Duties of Undertakers and Coroners. In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and, when so notified, the registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification prior to issuing the permit: Provided, That when the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts: Provided further, That if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification. And in the city and county of Philadelphia it shall be the duty of the coroner to hold an inquest on the body of any deceased person who shall have died a violent death, or whose death shall be sudden, if said sudden death shall be after an illness of less than twenty-four hours, and no physician shall have been in attendance within said time, or if suspicious circumstances shall render the same necessary, which said suspicion shall first be sworn to by one or more citizens of said city. And any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease or the manner of death; and if from external causes or violence, whether (probably) accidental, suicidal, or homicidal, as determined by the inquest, and shall, in either case, furnish such information as may be required by the State Registrar to properly classify the death.

Section 8, Act of June 7, 1915, P. L. 900.

65. Duties of Undertaker with Regard to Death Certificate and Burial Permit. The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the local registrar of the district in which the death occurred, and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to com-

plete the record as specified in section eight. He shall then state the facts required relative to the date and place of burial over his signature and with his address, and present the completed certificate to the local registrar who will issue a permit for burial, removal, or other disposition of the body. The undertaker shall deliver the burial permit to the sexton, or other person in charge of the place of burial, before interring or otherwise disposing of the body, or shall attached the transit permit containing the registrar's removal permit to the box containing the corpse when the same is to be shipped by any transportation company, which permit shall accompany the corpse to its destination, and if the same be within the State of Pennsylvania, it shall be delivered to the sexton or other person in charge of the place of burial.

Section 9, Act of June 7, 1915, P. L. 900.

66. Burials Within State. If the interment or other disposition of the body is to be made within the State, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State Registrar.

Section 10, Act of June 7, 1915, P. L. 900.

67. Duties of Sextons. No sexton, or person in charge of any premises in which interments are made, shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal, or transit permit as herein provided; and each sexton, or person in charge of any burial ground, shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

Section 11, Act of June 7, 1915, P. L. 900.

68. Registration of Births. All births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

Section 12, Act of June 7, 1915, P. L. 900.

69. Filing of Birth Certificate with Local Registrar. It shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all of the particulars required by this act, with the local registrar of the district in which

the birth occurred, within ten days after the date of birth; and if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, householder, or owner of the premises, manager or superintendent of public or private institution in which the birth occurred, to notify the local registrar within ten days after the birth of the fact of such a birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth.

Section 13, Act of June 7, 1915, P. L. 900.

70. Contents of Birth Certificate. The certificate of birth shall contain the following items:

(1) Place of birth; including state, county, township, or town, village, or city. If in a city, the ward, street and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name before the certificate is filed, enter the words, "died unnamed." If the living child has not been named at the date of filing the certificate of birth, the space for "full name of child," is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in a case of plural birth, giving number of child in order of birth.

(5) Whether legitimate or illegitimate.

(6) Full name of father.

(7) Residence of father.

(8) Color or race of father.

(9) Birthplace of father.

(10) Age of father at last birthday, in years.

(11) Occupation of father.

(12) Maiden name of mother, in full.

(13) Residence of mother.

(14) Color or race of mother.

(15) Birthplace of mother.

(16) Age of mother at last birthday, in years.

(17) Occupation of mother.

(18) Number of child of this mother, and number of children of this mother now living.

(19) Certificate of attending physician or midwife as to attendance at birth; including statement of year, month, day, and hour of birth, and whether the child was alive or dead at birth. This certificate shall be signed by, the attending physician or midwife with date of signature and address; if there is no physician or mid-

wife in attendance, then the father or mother of the child, householder, or owner of the premises, or manager or superintendent of public or private institution, or other competent person whose duty it shall become to notify the local registrar of such a birth, as required by section thirteen of this act.

(20) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided.

All certificates, either of birth or death, shall be written legibly in unfading ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission.

Section 14, Act of June 7, 1915, P. L. 900.

71. Blanks for Reporting of Given Name. When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parent of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to the local registrar as soon as the child shall have been named.

Section 15, Act of June 7, 1915, P. L. 900.

72. Physicians, Midwives and Undertakers to Register with Local Registrars. Every physician, midwife,, undertaker shall, without delay, register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence, and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State Registrar, relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the State Registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year: Provided, That no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers, for registering their names under this section or making returns thereof to the State Registrar.

Section 16, Act of June 7, 1915, P. L. 900.

73. Persons in Charge of Certain Institutions to Make Record Concerning Patients. All superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all of the personal and statistical particulars relative to the inmates of their institutions at the date of approval of this act, that are required in the form of certificate provided for by this

act, as directed by the State Registrar, and thereafter such record shall be by them made for all future inmates at the time of their admission. And in case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so, and when they cannot be obtained they shall be secured in as complete a manner as possible from the relatives, friends, or other persons acquainted with the facts.

Section 17, Act of June 7, 1915, P. L. 900.

74. State Registrar to Prepare Blanks and Forms, and Examine Returned Certificates. Permanent Records. The State Registrar shall prepare, print and supply to all registrars, all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the State Registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory; and all physicians, midwives, informants, or undertakers connected with any case, and all other persons having knowledge of the facts are hereby required to furnish such information as they may possess regarding any birth or death, upon demand of the State Registrar in person, by mail, or through the local registrar. He shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered, the cards to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as provided by law and by the regulations of the State Department of Health, in order that, when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases. It shall also be the duty of the State Registrar to collect, preserve, and tabulate records of all marriages performed within the State, and to tabulate and compile statistics of morbidity reports received by the Department of Health, after such necessary methods and forms as shall be, from time to time, directed by the Commissioner of Health.

Section 18, Act of June 7, 1915, P. L. 900.

75. Duties of Local Registrars. It shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them; and he shall carefully examine each certificate of birth or death, when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the State Registrar, and, if any certificates of death are incomplete or unsatisfactory, it shall be his duty to call attention to defects in the return and to withhold issuing the burial or removal permits until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: Provided, That in case the death occurs from some disease that is held by the State Department of Health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar, except under such conditions as may be prescribed by the State Department of Health. If a certificate of birth is incomplete he shall immediately notify the informant and require him to supply the missing items, if they can be obtained. He shall then number consecutively the certificates of birth and of death in two separate series, beginning with "number one" for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the State Registrar, and he shall, on the fifth day of each month, transmit to the State Registrar all original certificates of death registered by him during the preceding month; and he shall, on the tenth day of each month, transmit to the State Registrar all original certificates of birth registered by him during the preceding month; and if no deaths or births occur in any month, he shall, on the fifth and tenth days of the following month, report that fact to the State Registrar on a card provided for this purpose. For the proper conduct of health affairs within their respective districts, local health authorities shall have free access at all times to the records received and permanently filed by local registrars.

Section 19, Act of June 7, 1915, P. L. 900.

76. Fees of Local Registrars. Counties to Reimburse State. Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth or death certificate, properly and completely made out and registered with him, and correctly copied and duly returned by him to the State Registrar, as required by this act: Provided, That in cities of the first and second class, if the local registrar appointed by the Commissioner of Health occupies the

office of city clerk, health officer, or any other local office, and receives a fixed salary as local officer, he shall be entitled to seven cents for each birth and each death certificate, properly and completely made out, registered with him, and correctly copied and duly returned by him to the State Registrar as required by this act; or, if the local registrar in any of such cities is not a local official, and does not receive a salary from the city but is furnished by the city with suitable office room for carrying out the duties of his office as local registrar, he shall, in lieu of fees, be entitled to ten cents for each birth and each death certificate properly and completely made out, registered with him, and correctly copied and duly returned by him to the State Registrar as required by this act; and, in case no births or deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect promptly made in accordance with this act. All amounts payable to local registrars in cities of the first and second class, where such registrars are receiving fixed salaries as local officers, or are furnished with office room as provided in this section, shall be paid by the State Treasurer upon certification by the State Registrar. And the State Registrar shall certify monthly to the State Treasurer and Auditor General the number of births and death registered, with the names of the local registrars and the amounts due each at the rates fixed herein. All amounts payable to registrars, except in cities of the first and second class, as provided in this section, shall be paid by the treasurer of the county in which the registration districts are located upon certification by the State Registrar, and the State Registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered, with the names of the local registrars, and the amounts due each at the rates fixed herein.

Section 20, Act of June 7, 1915, P. L. 900.

77. Certified Copies of Record of Births, Deaths and Marriages. The State Registrar shall, upon request, furnish any applicant a certified copy of the record of any birth, death, or marriage registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant; and any such copy of the record of a birth, or death, or marriage, when properly certified by the State Registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any such search of the files and records, when no certified copy is made, the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received under these provisions and turn the same over to the State Treasurer.

Section 21, Act of June 7, 1915, P. L. 900.

78. Penalties. If any physician who, under the provisions of this act, is responsible for the medical certificate of death, shall neglect or refuse to make out and deliver to the undertaker, sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, the said medical certificate of cause of death hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars; and if any physician shall knowingly make a false certification of the cause of death in any case, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars.

And any physician or midwife in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in section thirteen of this act, who shall neglect or refuse to file a proper certificate of birth with the local registrar within the time required by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars.

And if any undertaker, sexton, or other person acting as undertaker, shall inter, remove, or otherwise dispose of the body of any deceased person, without having received a burial or removal permit, as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars.

And any registrar, deputy registrar, or subregistrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act, or by the instructions and directions of the State Registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

And any person who shall wilfully alter any certificate of birth or death, or the copy of any certificate of birth or death on file in the office of the local registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court.

And any other person or persons who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information to a physician, undertaker, midwife, or informant, for the purposes of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not less than five dollars nor more than one hundred dollars.

And any transportation company or common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars: Provided, That in case the death occurred outside of the State, and the body is accompanied by a certificate of death, burial or removal, or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial or removal, or transit permit may be held to authorize the transportation or carriage of the body into or through the State.

Section 22, Act of June 7, 1915, P. L. 900.

79. Enforcement of Act. Local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision and direction of the State Registrar. And they shall make an immediate report to the State Registrar of any violations of this law coming to their notice by observation, or upon complaint of any person, or otherwise. The State Registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory power over local registrars, to the end that all of the requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him upon request in such investigations. When he shall deem it necessary the Commissioner of Health shall report cases of violation of any of the provisions of this act to the Department of Justice of the Commonwealth.

Section 23, Act of June 7, 1915, P. L. 900.

80. Repeal. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed, and no system for the registration of births and deaths shall be continued or maintained in any of the several municipalities of this Commonwealth other than the one provided for and established by this act.

Section 24, Act of June 7, 1915, P. L. 900.

(i) Crematories.

81. Permits to Cremate Corpses. Every undertaker or proprietor or person in charge of any crematory or furnace or place where any human corpse shall or may be cremated or incinerated, shall, before removing any such corpse to, or receiving any such corpse at, such crematory, furnace or place for cremating or incinerating the same,

obtain a permit to cremate or incinerate such corpse from the board or department of health or local health authorities of the city or locality within which such crematory, furnace or place is situate.

Section 1, Act of June 8, 1891, P. L. 212.

82. Certificates of Physicians and Coroners. Before such permit shall be granted, every person applying therefor shall deposit and file in the office of such board or department of health or local health authorities, a certificate signed in ink by the physician attending during the last illness of such deceased person, (or the certificate of the coroner), and the undertaker and proprietor or person in charge of such crematory, furnace or place, setting forth the decedent's name, age, sex, birthplace, color, last residence by ward, street and number, if such residence was in a city, otherwise as nearly as may be, the time of residence therein, the place of last previous residence, the cause, place and time of death, the place, date and hour of the intended cremation or incineration, and, when practicable, the names of the father and mother of deceased.

Section 2, Act of June 8, 1891, P. L. 212.

83. Penalty. Any person wilfully violating any of the provisions of this act or being present at, helping or assisting in any cremation or incineration of any human corpse where a permit has not been previously obtained in conformity with and as required by this act, shall forfeit and pay for every offense not less than fifty dollars nor more than three hundred dollars, to be recovered before alderman or police magistrate within the city or county where the offense shall be committed.

Section 3, Act of June 8, 1891, P. L. 212.

PLUMBERS.

(a) In Cities and Boroughs.

1. Registration of Journeymen and Plumbers. That from and after the passage of this act, the boards of health in cities and boroughs of this Commonwealth shall be and they are hereby authorized and directed [to adopt and promulgate suitable rules and regulations for the construction of house drainage and cesspools, and] to provide for the registration of journeymen and master plumbers, and persons engaged in the plumbing business in cities and boroughs: Provided, That the provisions of this act shall not apply to boroughs having no system of water supply or system of sewage.

Section 1, Act of June 24, 1895, P. L. 232, No. 133.

2. Penalty for Failure to Comply with Rules and Regulations. Any person who shall refuse or neglect to comply with the requirements of said rules and regulations when promulgated, shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine of not more than one hundred (100) dollars, or undergo an imprison-

ment not exceeding one year, or both, in the discretion of the court: Provided, That the provisions of this act shall not be construed to repeal the provisions of an act, entitled "An act authorizing the boards of health in cities of the first class to regulate house drainage, the registration of master plumbers and the construction of cesspools," approved the thirtieth day of June, Anno Domini one thousand eight hundred and eighty-five.

Section 2, Act of June 24, 1895, P. L. 232, No. 133.

(b) In Cities of the First Class.

3. Boards of Health to Provide for Registration of Plumbers.

That from and after the passage of this act the boards of health, in cities of the first class, shall be and they are hereby authorized and directed [to adopt and promulgate suitable rules and regulations, for the construction of house drainage and cesspools, and] to provide for the registration of master plumbers and person engaged in the plumbing business in said cities: [Provided, That no cesspools shall be permitted to drain into a sewer: And provided further, That nothing in this act shall be construed to apply to cesspools in existence at the present time or their connections with, or drainage into, any sewer.]

Section 1, Act of June 30, 1885, P. L. 250.

4. Penalty for Neglect to Comply with Rules and Regulations.

Any person who shall refuse or neglect to comply with the requirements of said rules and regulations when promulgated, shall be guilty of a misdemeanor, and, on conviction, be sentenced to pay a fine of not more than one hundred dollars (\$100) or undergo an imprisonment not exceeding one year, or both in the discretion of the court.

Section 3, Act of June 30, 1885, P. L. 250.

5. Plumbers to Be Licensed. Apprentices. Master and Employing Plumbers. On and after the first day of January (1912), nineteen hundred and twelve, it shall not be lawful for any person to carry on or work at the business of plumbing or house drainage in cities of the first class, having a system of sewerage, and water supply, of this Commonwealth, until a certificate or license to engage in or work at said business shall have been granted said persons by the Director of the Department of Public Health and Charities, or the Department or Bureau or Board of Health, of such cities; nor until they have registered as such in the office of the Board or Bureau of Health of said cities: Provided, however, That nothing in this act shall be construed to prevent the employment or working of apprentices, under the direction of duly registered and licensed master or employing plumbers: And provided further, That master or employing plumbers duly registered and licensed, and having a bona fide place

of business in said cities of the first class at the time of the passage of this act, and journeymen plumbers who have served not less than four years apprenticeship, shall not be required to undergo any examination, and they shall be entitled to register, provided said persons, firms, or corporations register prior to January first, one thousand nine hundred and twelve, and annually thereafter between the first and thirty-first days of December of each year, as per section two of this act.

Section 1, Act of June 7, 1911, P. L. 680.

6. Registration of Persons Entitled Thereto Who Failed to Register Under Act of One Thousand Nine Hundred and Eleven. Any person who, at the time of the approval of the act to which this is a supplement, was entitled to registration and license as a master or employing plumber, under the provisions of section one of said act, but who failed to register within the time allowed in said act, may, within thirty days after the approval of this act, make application for registration as a master or employing plumber, and be registered and receive a license, in the same manner and with the same effect as if such application had been made prior to the first day of January, one thousand nine hundred and twelve. No such person shall be registered and receive a license until he shall have paid all fees which he would have paid had he been registered and licensed on an application made before said first day of January, one thousand nine hundred and twelve, and annually thereafter, as provided in said act.

Section 1, Act of May 5, 1915, P. L. 253, No. 146, supplementing Act of June 7, 1911, P. L. 680.

7. Application for License. Examination and Issuing of License. Register of Applicants and Licenses. Board of Examiners Constituted. Examination Fee. Signs to Be Displayed. Only Registered Plumbers to Engage in Business. License Good for One year, Re-registration. Reciprocity as to Plumbers of Other Cities. All and every person or persons, engaged or engaging in the business or work of plumbing and house drainage in cities, shall apply in writing to the said director of the Department of Public Health and Charities, Department or Board or Bureau of Health, for such certificate or license; and if, after proper examination made by the board or bureau of health of said cities, such person or persons so applying shall be found competent, the same shall be certified to the Director of Public Health and Charities, Department or Board or Bureau of Health, who shall thereupon issue a certificate or license to such persons, which shall for the period of one calendar year, or fractional part thereof, next ensuing the date of such examination, entitle him or them to engage in or work at the business of plumbing and house drainage.

A register of all such applicants and the license or certificates issued shall be kept in said department, which said register shall be open to the inspection of all persons interested therein.

The Director of the Department of Public Health and Charities is hereby authorized to appoint a board of examiners, to consist of the Health Officer or Superintendent of the Department or Board or Bureau of Health, one plumbing inspector, and two competent plumbers in no wise connected with the city government, who shall examine all applicants for license under the provisions of this act. The said board shall make all reasonable rules, regulations and examinations, which shall be approved by the said Director of the Department of Public Health and Charities. An examination of any one member of a firm or corporation, or of the superintendent or foreman thereof, shall be deemed sufficient.

Said person or persons, firm or corporation, engaged or engaging in the business of plumbing or house drainage, shall pay for each examination the sum of five dollars, and each journeyman or person engaged in the work shall pay the sum of fifty cents, which sum shall be paid into the city treasury, for the use of said cities. The proper officers of said cities are hereby authorized to pay the plumbers acting on said board the sum of five dollars per day for each day or session thus actually employed.

Every registered master plumber shall have a bona fide place of business in said cities, and shall display on the front of his or their place of business a sign "Registered Plumber," bearing the name or names of the person, firm, or corporation, in letters not less than three inches high.

No person other than a registered master plumber shall be allowed to carry on or engaged in the business; nor shall any person or persons expose the sign of plumbing or house drainage, or any advertisement pertaining thereto, unless he or they have first secured a license or certificate and been registered in the office of the Board or Bureau of Health of such cities; nor shall any person or persons other than a registered master plumber,—or person in his or their employ, or under his or their supervision,—be allowed to alter, repair, or make any connection with any drain, soil, waste, or vent pipe, or any pipe connected therewith.

Every registered master plumber, firm, or corporation shall give immediate notice of any change in his, their or its place of business; and upon his, their or its retirement from business shall surrender his, their or its certificate of registry to the Board or Bureau of Health. Every person, firm, corporation, or representative thereof, in registering, shall give the full name or names of the person, firm, or officers' names of the corporation, for which he or they shall register.

At the expiration of each calendar year said certificate or license shall be null and void. A licensed master or journeyman plumber

desiring to continue in or work at the business of plumbing and house drainage for the ensuing year shall, between the first and thirty-first days of December of each year, surrender the said certificate or license for the current year to the Department or Board or Bureau of Health, and re-register his, their or its name or names, and business or home address, upon such form or forms as may, from time to time, be furnished by said Department or Board or Bureau of Health.

A re-examination will not be necessary for re-registration unless the licensed master or journeyman plumber should have failed to make application for re-registration at the specified time. The sum of one dollar shall be paid by master plumbers, firms or corporations, and the sum of twenty-five cents by journeymen plumbers, for re-registration, which sum shall be paid into the city treasury, for the use of said cities. A register of all such applicants and license or certificates issued shall be kept in said Department, Board or Bureau of Health, which said register shall be open to the inspection of all persons interested therein. Any person, firm or corporation holding a license or certificate, granted by any first, second or third class city of this Commonwealth, to engage in or work at the business of plumbing and house drainage, desiring to do plumbing and drainage work in any other city than the one in which said license or certificate was granted, shall, without examination, be registered before entering upon such work: Provided, however, That such registration shall be restricted and limited to such plumbing and drainage work as he, they or it shall have contracted for at the time of registry. On the completion of such contract or contracts the registration of such person, firm or corporation shall be null and void, and no further permit shall be issued to such person, firm or corporation until he, they or it shall have first registered his or its name, or their names and addresses, as hereinbefore provided.

Section 2, Act of June 7, 1911, P. L. 680.

8. Rules, Regulations and Requirements for Plumbing, Etc. From and after the passage of this act, the construction of plumbing, house drainage, and cesspools shall be conducted only under and in accordance with the following rules, regulations, and requirements, namely:

Section 3, Act of June 7, 1911, P. L. 680.

9. Separate Plans for Each Building or Addition. There shall be a separate plan for each building, public or private, or any addition thereto or alterations thereof, accompanied by specifications showing the location, size and kind of pipe, traps, closets, and fixtures to be used, which plans and specifications shall be filed with the Board or Bureau of Health. The said plans and specifications shall be furnished by the architect, plumber, or owner, and filed by the plumber. All applications for change in plans must be made in writing.

Section 4, Act of June 7, 1911, P. L. 680.

10. Plumbers to Submit Plans to Board or Bureau of Health.

Plumbers before commencing the construction of plumbing work in any building in the said cities (except in case of repairs, which are here defined to relate to the mending of leaks in soil, vent or waste pipes, faucets, valves, and water-supply pipes, and shall not be construed to admit of the replacing of any fixture, such as water closets, bath tubs, washstands, sinks, et cetera, or the respective traps for such fixtures), shall submit to the Board or Bureau of Health plans and specifications, legibly drawn in ink, on blanks to be furnished by said board or bureau. Where two or more buildings are located together and on the same street, and the plumbing work is identical in each, one plan will be sufficient. Plans will be approved or rejected within twenty-four hours after their receipt.

Section 5, Act of June 7, 1911, P. L. 680.

11. Connections Between Sewers and Buildings to Be Adequate.

Changes in Connections. It shall be the duty of every person constructing or owning any drain, soil pipe, passage or connection, between a sewer and any ground, building, erection or place of business, and in like manner the duty of the owners of all grounds, buildings, erections, and of all parties interested therein or thereat, to cause and require that such drain, soil pipe, passage, or connection shall be adequate for its purpose, and shall at all times allow to pass freely all material that enters or should enter the same; and no change or (of) drainage, sewerage, or the sewer connections of any house shall be permitted, unless notice thereof shall have been given the Board or Bureau of Health and assent thereto obtained in writing.

Section 6, Act of June 7, 1911, P. L. 680.

12. Inspection by Board or Bureau of Health. Drainage, sewerage or plumbing work must not be covered or concealed in any manner until after it is inspected and approved by the Board or Bureau of Health. Notice must be given said board or bureau, upon blanks to be furnished by it, when the work is sufficiently advanced for such inspection, when it shall be the duty of the proper officers to inspect the same within three days after receipt of said notice.

Section 7, Act of June 7, 1911, P. L. 680.

13. Drainage systems. House Drains and Soil Pipes. Private Sewers. Closets. The main drainage system of every house or building shall be separately and independently connected with the street sewer, where such sewer exists; but where there is no sewer in the street, and it is necessary to construct a private sewer to connect with sewer on adjacent street, such plans may be used as may be approved by the Department or Board or Bureau of Health, but in no case shall joint drains be laid in cellars, parallel with the street or alley.

House drains or soil pipes, laid beneath floors, must be of extra heavy cast-iron pipe (as per table in section sixteen), with leaded and caulked joints, and carried five feet outside cellar wall. All drains or soil pipes connected with main drain where it is above the cellar floor shall be of extra heavy cast-iron pipe, with leaded and caulked joints, or of heavy wrought-iron pipe, with screw joints properly secured, and carried five feet outside cellar wall; and all arrangements of soil or waste pipes shall be as direct as possible. Wrought-iron pipes shall be asphalted, galvanized, or otherwise made rustless. Changes of direction on pipes shall be made with "Y" branches, both above and below the ground, and where such pipes pass through a new foundation wall, a relieving arch shall be built over it, with a two-inch space on either side of main pipe.

The size of the main house drain shall be determined by the total area of the buildings and paved surfaces to be drained, according to the following table, if iron pipe is used. If the pipe is terra cotta, the diameter shall be one size larger for the same amount of area drainage:

Diameter.	Fall $\frac{1}{4}$ Inch Per Foot.	Fall $\frac{1}{2}$ Inch Per Foot.
4 inches, -----	1,800 square feet drainage area,---	2,500 square feet drainage area.
5 inches, -----	3,000 square feet drainage area,---	4,500 square feet drainage area.
6 inches, -----	5,000 square feet drainage area,---	7,500 square feet drainage area.
8 inches, -----	9,100 square feet drainage area,---	13,600 square feet drainage area.
10 inches, -----	14,000 square feet drainage area,---	20,000 square feet drainage area.

The main house drains may be decreased in diameter beyond a rain-water conductor or surface inlet by permission of the Department or Board or Bureau of Health, when the plans show that conditions are such as to warrant such decrease; but in no case shall the main house drain be less than four (4) inches in diameter.

The walls for pit where one closet is installed may be four inches in thickness, or salt-glazed sewer pipe, thirty-six inches in diameter, may be used. Where pit is for more than one closet, the walls shall be nine inches in thickness. The soil pipe and traps used inside pit must be extra heavy cast iron, and the trap to have a hand hole for clean-out purposes, with clean out caulked in. If the closet is located in the rear of a soil or vent pipe, the drain on which it is located shall be vented with a four-inch pipe, carried above roof of closet, away from any opening or window. All outside closets shall be of the tank pattern. The water to be supplied to tank through automatic seat-action valve. The waste from valve may be permitted to discharge on cement floor of pit, which shall be provided with four-inch trap and strainer. The enclosure of yard water closets shall be ventilated by slatted openings, and there shall be a trap door of sufficient size to permit of convenient access to the hopper pit.

Section 8, Act of June 7, 1911, P. L. 680.

14. Traps for House Drains. The house drain must be provided with a horizontal trap, placed immediately inside the cellar wall. The trap must be provided with a hand hole for convenience in cleaning, the cover of which must be properly fitted and made gas and air tight, with heavy brass screw-cap ferrule, caulked in. This class of traps shall be subject to the approval of the board or bureau of health.

Section 9, Act of June 7, 1911, P. L. 680.

15. Fresh Air Inlets to Be Connected with House Drains. A fresh-inlet must be connected with the house drain just inside of the house trap. Where underground, it must be of extra heavy cast iron. Said inlet must lead to the outer air, and finish with an automatic device approved by the board or bureau of health, at a point just outside the front wall of building. The fresh-air inlet must be of the same size as the drain, up to four inches. For five and six-inch drains it must not be less than four inches in diameter; for seven- and eight-inch drains, nor less than six inches in diameter, or its equivalent; and for larger drains, not less than eight inches in diameter, or its equivalent.

Section 10, Act of June 7, 1911, P. L. 680.

16. Grade of House Drains and Sewers. House sewers and house drains must, where possible, be given an even grade to the main sewer of not less than one-quarter of an inch per foot.

Section 11, Act of June 7, 1911, P. L. 680.

17. House Sewers, When to Be Constructed. When main sewer is not located on street, house sewers must be constructed on outside of building, and branch into each house separately, and in no case will the sewer from one house to another be permitted to run through cellars.

Section 12, Act of June 7, 1911, P. L. 680.

18. Construction of House Sewers. Where the ground is of sufficient solidity for a proper foundation, cylindrical terra-cotta pipe of the best quality, free from flaws, splits, or cracks, perfectly burned and well glazed over the entire inner and outer surfaces, may be used, if laid on a smooth bottom, with a special groove cut in the bottom of the trench for each hub, in order to give the pipe a solid bearing on its entire length, and the soil well rammed on each side of the pipe. The spigot and hub ends shall be connected. The space between the hub and pipe must be thoroughly filled with cement mortar, made of equal parts of the best American natural cement and bar sand, thoroughly mixed dry, and enough water afterwards added to give proper consistency. The mortar must be mixed in small quantities, and used as soon as made. The joints must be carefully wiped out and pointed, and all mortar that may be left

inside removed, and the pipe left clean and smooth throughout, for which purpose a swab may be used. It must not be laid closer than five feet to any exterior wall of a building, or less than three and one-half feet below the surface of the ground, or when the sewer passes near a well, nor will it be allowed in bad or made ground.

Section 13, Act of June 7, 1911, P. L. 680.

19. House Sewers, When to Be Constructed of Extra Heavy Cast-Iron Pipe. Where a sewer is laid between buildings, in a passageway, alley or courtyard, at a less distance than five feet from the buildings, it must be constructed of extra heavy cast-iron pipe, for a distance corresponding to the length of the foundation of said buildings.

Section 14, Act of June 7, 1911, P. L. 680.

20. Floor and Other Drains, When Permitted. Floor or other drains will only be permitted when it can be shown, to the satisfaction of the board or bureau of health, that their use is absolutely necessary, and arrangements made to maintain a permanent water-seal in the traps, and be provided with check- or back-water valves.

Section 15, Act of June 7, 1911, P. L. 680.

21. Construction and Weight of Cast-Iron Pipe. All cast-iron pipes must be sound, free from holes, and of a uniform thickness, known as "extra heavy" pipe, and corresponding fittings will be required. The pipe must be tested to fifty pounds water pressure, and marked with the maker's name.

Pipes shall weigh as follows, namely:

Two-inch pipe, five and one-half pounds per lineal foot.

Three-inch pipe, nine and one-half pounds per lineal foot.

Four-inch pipe, thirteen pounds per lineal foot.

Five-inch pipe, seventeen pounds per lineal foot.

Six-inch pipe, twenty pounds per lineal foot.

Seven-inch pipe, twenty-seven pounds per lineal foot.

Eight-inch pipe, thirty-three and one-half pounds per lineal foot.

Ten-inch pipe, forty-five pounds per lineal foot.

Twelve-inch pipe, fifty-four pounds per lineal foot.

Section 16, Act of June 7, 1911, P. L. 680.

22. Subsoil Drains. Subsoil drains must discharge into a sump or receiving tank, the contents of which must be lifted and discharged into the drainage system above the cellar floor by some approved method. When directly sewer connected, they must be cut off from the rest of the plumbing system by a brass flap-valve on the inlet to the catch basin, and the trap on the drain from the catch basin must be water supplied, as required for cellar drain.

Section 17, Act of June 7, 1911, P. L. 680.

23. Drainage of Yards, Areas and Courts. All yards, areas, and courts must be drained. Tenement houses and lodging houses must have the yards, areas, and courts drained into the sewer. These drains, when sewer connected, must have connection not less than four inches in diameter. They should be controlled by one trap—the leader trap, if possible.

Section 18, Act of June 7, 1911, P. L. 680.

24. When Old House Drains and Sewers May Be Used. Old house drains and sewers may be used, in connection with new buildings or new plumbing, only when they are found, on examination by the board or bureau of health, to conform in all respects to the requirements governing new sewers and drains. All extensions to old house drains must be of extra heavy cast-iron pipe.

Section 19, Act of June 7, 1911, P. L. 680.

25. Metallic Leaders from Roofs. All buildings shall be kept provided with proper metallic leaders, for conducting water from the roofs in such manner as shall protect the walls and foundations of said building from injury. In no case shall the water from said leaders be allowed to flow upon the sidewalk, but the same shall be conducted by a pipe or pipes to the sewer. If there be no sewer in the street upon which such buildings front, then the water from said leaders shall be conducted, by proper pipe or pipes below the surface of the sidewalk, to the street gutter.

Section 20, Act of June 7, 1911, P. L. 680.

26. Inside and Outside Leaders from Roofs. Inside leaders must be constructed of cast iron, wrought iron, or steel, with roof connections made gas and water tight by means of a heavy lead or copper-drawn tubing, wiped or soldered to a brass ferrule, or nipple caulked, or screwed into the pipe. The tubing must extend at least seven (7) inches into iron leader pipe. Outside leaders may be sheet metal, but they must connect with the house drain by means of a cast-iron pipe extending vertically five (5) feet above the grade level.

Section 21, Act of June 7, 1911, P. L. 680.

27. Leaders to Be Trapped to Prevent Freezing. All leaders must be trapped with cast-iron running traps, so placed as to prevent freezing.

Section 22, Act of June 7, 1911, P. L. 680.

28. Use of Rain-Water Leaders. Rain-water leaders must not be used as soil, waste or vent pipes, nor shall such pipes be used as a leader.

Section 23, Act of June 7, 1911, P. L. 680.

29. Steam Exhaust, Blow-Off and Drip Pipes. No steam exhaust, blow-off or drip pipe shall connect with a sewer or house drain,

leader, soil pipe, waste or vent pipe. Such pipes must discharge into a tank or condenser, from which suitable outlet to the sewer shall be made. Such condensers shall be water supplied, to help condensation and protect the sewer, and shall also be supplied with relief vent to carry off dry steam.

Section 24, Act of June 7, 1911, P. L. 680.

30. Diameter of Soil Pipes. The smallest diameter of any soil pipe permitted to be used shall be four-inch. The size of soil pipes must be not less than those set forth in the following tables:

Maximum number of fixtures connected to—

Size of Pipe.	Soil and Waste Combined.		Soil Pipe Alone.	
	Branch.	Main.	Branch.	Main.
4-inch, -----	48 fixtures,-----	96 fixtures,-----	8 water closets,---	16 water closets.
5-inch, -----	96 fixtures,-----	192 fixtures,-----	16 water closets,---	32 water closets.
6-inch, -----	298 fixtures,-----	336 fixtures,-----	34 water closets,---	68 water closets.

If the building is six (6), and less than twelve (12), stories in height, the diameter shall be not less than five (5) inches; if more than twelve (12) stories, it shall be six (6) inches in diameter. A building six or more stories in height, with fixtures located below the sixth floor, soil pipe four (4) inches in diameter will be allowed to extend through the roof; provided the number of fixtures does not exceed the number given in the table.

All soil pipes must extend at least two feet above the highest window, and must not be reduced in size. Traps will not be permitted on main, vertical, soil, or waste lines. Each house must have a separate line of soil, and vent pipes. No soil or waste line shall be constructed on the outside of a building.

Fixtures with—

One and one-quarter traps, count as one fixture:

Two-inch traps, count as two fixtures;

Two and one-half traps, count as three fixtures;

Three-inch traps (water closets), count as four fixtures;

Four-inch traps, count as five fixtures.

Section 25, Act of June 7, 1911, P. L. 680.

31. Changes in Direction of Sewer, Soil and Waste Pipes. All sewer, soil and waste pipes must be as direct as possible. Changes in direction must be made with "Y" or half "Y" branches, or one-eighth bends. Offsets in soil or waste pipes will not be permitted when they can be avoided; nor, in any case, unless suitable provision is made to prevent accumulation of rust or other obstruction.

Offsets shall be made with forty-five degree bends, or similar fittings. The use of T-“Ys” (sanitary T’s) will be permitted on upright lines only.

Section 26, Act of June 7, 1911, P. L. 680.

32. Joints in Cast-Iron, Soil and Waste Pipes. Connections of Lead and Cast-Iron Pipes. Joints in cast-iron pipes and soil and waste pipes must be so filled with oakum and lead, and hand caulked as to make them gas-tight. Connections of lead and cast-iron pipes must be made with brass sleeve or ferrule, of the same size as the lead pipe inserted in the hub of the iron pipe, and caulked with lead. The lead pipe must be attached to the ferrule by wiped joint. Joints between lead and wrought-iron pipes must be made with brass nipple, of same size as lead pipe. The lead pipe must be attached to the nipple by wiped joint. All connections of lead waste pipe must be made by means of wiped joints.

Section 27, Act of June 7, 1911, P. L. 680.

33. Traps for Bath Tubs, Water Closets, Etc. Every sink, bath tub, basin, water closet, slop hopper, or fixtures having a waste pipe, must be furnished with a trap, which shall be placed as close as practicable to the fixture that it serves, and in no case shall they be more than one foot from said fixture. The waste pipe from the bath tub or other fixtures must not be connected with a water closet trap.

Size of horizontal and vertical waste pipe traps and branches :

Horizontal and Vertical.	Number of Small Fixtures.
1½ inches, -----	1
1½ inches, -----	2
2 inches, -----	3 to 8
2½ inches, -----	9 to 20
3 inches, -----	21 to 44

If building is ten (10) or more stories in height, the vertical waste pipe shall not be less than three (3) inches in diameter. The use of wrought-iron pipe for waste pipe two inches or less in diameter is prohibited.

The size of traps and waste branches, for a given fixture shall be as follows:

Kind of Fixtures.	Size in Inches.	
	Trap.	Branch.
Water closet, -----	3	4
Slop sink with trap combined, -----	3	3
Slop sink, ordinary, -----	2	2
Pedestal urinal, -----	3	3
Floor drain or wash, -----	4	4
Yard drain or catch basin, -----	4	4
Urinal trough, -----	2	2
Laundry traps (2 or 5), -----	2	2
Combination sink and tray (for each fixture), -----	1½	2
Kitchen sinks (small) for dwellings, -----	1½	1½
Kitchen sinks (large), hotels, restaurants, grease trap, -----	2	2
Pantry sinks, -----	1½	1½
Wash basin, one only, -----	1¼	1¼
Bath tubs, 4x10 inches, drum trap, -----	1½	1½
Shower baths, -----	1½	1½
Shower baths (floor), -----	2	2
Sitz baths, -----	1½	1½
Drinking fountains, -----	1½	1½

Section 28, Act of June 7, 1911, P. L. 680.

34. Overflow Pipes. Overflow pipes from fixtures must, in all cases, be connected on the inlet side of traps.

Section 29, Act of June 7, 1911, P. L. 680.

35. Sediment Pipes. Sediment pipes from kitchen boilers must not be connected on the outlet side of traps.

Section 30, Act of June 7, 1911, P. L. 680.

36. Size of Traps. All traps must be well supported, and set true with respect to their water levels. The size for traps must not be less than those given in the following:

Traps for water closets, four inches in diameter.

Traps for slop-sinks, one and one-half inches to three inches in diameter.

Traps for kitchen sinks, one and one-half inches in diameter.

Traps for wash trays, two inches in diameter.

Traps for (bowl) urinals, one and one-half inches in diameter.

Traps for wash stands, one and one-fourth inches in diameter.

All bath tubs shall be supplied with drum trap, not less than three inches in diameter, with three-inch trap screws on floor line. In case where an additional fixture is required in a building, and it is impossible to get re-vent pipes for the trap, the board or bureau of health shall designate the kind of trap to be used. This shall not be construed to allow traps without re-vents in new buildings.

Section 31, Act of June 7, 1911, P. L. 680.

37. Safe Waste Pipes and Refrigerator Waste Pipes. Safe waste pipes must not connect directly with any part of the plumbing system. Safe waste pipes must discharge over an open, water sup-

plied, publicly placed, ordinarily used sink, placed not more than three and one-half feet above the cellar floor. The safe waste from a refrigerator must be trapped at the bottom of the line only, and must not discharge upon the ground floor, but over an ordinary portable pan, or some properly trapped, water-supplied sink, as above. In no case shall the refrigerator waste pipe discharge over a sink located in a room used for living purposes.

The branches on vertical lines must be made by "Y" fittings, and be carried to the safe with as much pitch as possible. Where there is an offset on a refrigerator waste pipe in cellar, there must be clean-outs to control the horizontal part of the pipe.

In tenement and lodging houses the refrigerator waste pipes must extend above the roof, and not be larger than one and one-half inches, nor the branches less than one and one-quarter inches. Refrigerator waste pipes, except in tenement houses, and all safe waste pipes, must have brass flap valves at their lower ends. Lead safes must be graded and neatly turned over beveled strips at their edges.

Section 32, Act of June 7, 1911, P. L. 680.

38. Vent Pipes. All vent pipes must be either of lead, brass, loricated poreclain, enameled iron, or galvanized iron pipe.

Section 33, Act of June 7, 1911, P. L. 680.

39. Size and Construction of Vent Pipes. Ventilation of Traps and Soil Lines. All traps shall be protected from siphonage or air pressure by special vent pipes, of a size not less than the following table:

Size of Pipe.	Maximum Developed Length in Feet.	Number of Traps Vented.	
	Mains.	Branch.	Main Vertical.
1½-inch vent, -----	20	1	
1½-inch vent, -----	40	2 or less.	
2-inch vent, -----	65	10 or less,	20 or less.
2½-inch vent, -----	100	20 or less,	40 or less.
3-inch vent, -----	10 or more stories,	60 or less,	100 or less.

The branch vent pipes shall be not less than the following sizes: One and one-fourth inches in diameter, for one and one-fourth inch traps. One and one-half inches in diameter, for one and one-half inch to two and one-half inch traps. Two inches in diameter, for three-inch to four-inch traps. One-half their diameter, for traps five inches and over.

Where two (2) or more water closets are placed side by side on a horizontal branch, the branch line shall have a relief extended as a loop vent. A pipe two (2) inches in diameter will be sufficient as a loop vent for two (2) closets. A pipe three (3) inches in diameter

shall be used as a relief for three (3) or four (4) closets; and where more than four (4) closets are located on the same branch the relief shall not be less than (4) inches in diameter. All house drains and soil lines on which a water closet is located must have a four-inch main vent line. Where an additional closet is located in the cellar or basement, and within ten feet of main soil or vent line no relief vent will be required for said closet; but where it is more than ten (10) feet, a two-inch vent line will be required. Relief vent pipes for water closets must not be less than two inches in diameter, for a length of forty-feet, and not less than three inches in diameter for more than forty feet.

No re-vent from traps under bell traps will be required.

Any building having a sewer connection with a public or private sewer used for bell trap connections or floor drainage only, a two-inch relief line must be extended to the roof of building from rear end of main drain. House drains constructed for roof drainage only will not require a relief vent.

A floor trap for a shower shall be vented, unless located in cellar or ground floor, the paving of which renders the trap inaccessible. If the number of these fixtures on a branch is two (2) or more, the waste line shall be extended as a loop vent, instead of back venting the separate traps; and when located in basement floor, they shall be provided with a removable strainer or cleanout. Back-vent pipes, from traps above the floor, must either be connected with crown of trap with ground-in brass coupling, or, if connected solidly to trap, must have a ground-in brass coupling at wall.

Section 34, Act of June 7, 1911, P. L. 680.

40. Construction of Vent Pipes. Where rows of fixtures are placed in a line, fittings of not less than forty-five (45) degrees to the horizontal must be used on vent lines to prevent filling with rust or condensations; except on brick or tile walls, where it is necessary to channel same for pipes, ninety (90) degree fittings will be allowed. Trapped vent pipes are strictly prohibited. No vent pipe from house side of any trap shall connect with ventilation pipe, or with sewer, soil, or waste pipe. Vent pipes from several traps may be connected together, or may be carried into the main vent line above the highest fixture. Where one vertical vent line connects with another, a "Y" fitting must be used. Branch vent-pipes must be connected as near to crown of the trap as possible.

Section 35, Act of June 7, 1911, P. L. 680.

41. Offsets and Connections on Vent Lines. All offsets on vent line must be made at an angle of not less than forty-five degrees to the horizontal, and all lines must be connected at the bottom with a soil or waste pipe, or the drain, in such manner as to prevent the accumulation of rust, scale, or condensation.

Section 36, Act of June 7, 1911, P. L. 680.

42. Rubber Connections for Back Vents. Rubber connections for back vents will not be permitted, without double coupling and thimble inside.

Section 37, Act of June 7, 1911, P. L. 680

43. Certain Flues Not to Be Used as Ventilators. No brick, sheet metal, or earthenware flue, or chimney flue, shall be used as a sewer ventilator, or to ventilate any trap, drain, soil or waste pipe.

Section 38, Act of June 7, 1911, P. L. 680. .

44. Soldering Nipples. Soldering nipples must be extra heavy brass, or brass pipe, iron pipe size.

Section 39, Act of June 7, 1911, P. L. 680.

45. Screw-caps for Cleanouts. Cleanout Ferrules. Brass screw caps for cleanouts must be extra heavy, not less than one-eighth of an inch thick. The screw cap must have a solid square or hexagonal nut, not less than one inch high. The body of cleanout ferrule must at least equal in weight and thickness the caulking ferrule for the same size pipe.

Section 40, Act of June 7, 1911, P. L. 680.

46. Brass Ferrules. Brass ferrules must be of best quality, bell shaped, extra heavy cast brass, not less than four inches long, and two and one-quarter inches, three and one-half inches thick, and four and one-half inches in diameter, and not less than the following weights:

Diameter two and one-fourth inches, weight one pound.

Diameter three and one-half inches, weight one pound twelve ounces.

Diameter four and one-half inches, weight two pounds eight ounces.

Section 41, Act of June 7, 1911, P. L. 680.

47. Construction of Water Closets and Sinks. The closet and all other fixtures must be set open, and free from all inclosing wood or other work. Where water closets will not support a rim seat, the seat must be supported on galvanized iron legs, and a drip tray must be used, which tray must be porcelain, enameled on both sides and secured in place. In tenement houses and lodging houses, sinks must be entirely open, set on iron legs or brackets, without any inclosing wood, or other work.

Section 42, Act of June 7, 1911, P. L. 680.

48. Certain Closets Not Permitted in Buildings. Pan, plunger, or hopper closets will not be permitted in any building. No range closet, either wet or dry, nor an evaporating system of closets, shall

be constructed or allowed inside of any building. A separate building, constructed especially for the purpose, must be provided in which such range closets shall be set.

Section 43, Act of June 7, 1911, P. L. 680.

49. Earthenware Traps. All earthenware traps must have heavy brass floor plates, soldered to the lead bends and bolted to the trap flange, and the joint made permanently secure and gas-tight.

Section 44, Act of June 7, 1911, P. L. 680.

50. Where Water Closets May Not Be Constructed. Water closets must not be located in sleeping apartments, nor in any room or compartment which has not direct communication with external air, either by window or air-shaft of at least four square feet.

Section 45, Act of June 7, 1911, P. L. 680.

51. Water Supply for Water Closets, Etc. No water closets, except those placed in yards, and flushometer, volumeters, or similar devices shall be supplied directly from the supply pipes.

Section 46, Act of June 7, 1911, P. L. 680.

52. Flushing Rim-Bowls and Flushing Tanks. All water closets must have flushing rim-bowls.

Water closets to be supplied from flushing tanks.

Section 47, Act of June 7, 1911, P. L. 680.

53. Flushing Tanks and Cisterns for Closets. Water closets within buildings shall be supplied with water from special tanks or cisterns, which shall hold not less than six gallons, when filled to the level of the overflow pipe, for each closet supplied, excepting automatic or siphon tanks, which shall hold not less than five gallons for each closet supplied. A group of closets may be flushed from one tank, but water closets on different floors must not be flushed from the same tank, except flushometers, volumeter, or similar devices. The water in said tanks must not be used for any other purpose.

Section 48, Act of June 7, 1911, P. L. 680.

54. Water Closet System in Tenement and Lodging Houses. In no case will the water closet system of tenement or lodging houses be permitted in cellars, basements, or under sidewalks.

Section 49, Act of June 7, 1911, P. L. 680.

55. Number of Water Closets. In all sewer connected, occupied buildings there must be at least one water closet and there must be additional closets so as there will never be more than fifteen persons per closet. In lodging houses, where there are more than fifteen persons on any floor, there must be an additional water closet on that floor for every fifteen additional persons, or fraction thereof.

Section 50, Act of June 7, 1911, P. L. 680.

56. Water Closet and Urinal Apartments. In tenement houses, lodging houses, factories, workshops, and all public buildings, the entire water closet apartments and side walls, to a height of sixteen inches from the floor, except at the door, must be made waterproof with asphalt, cement, tile or other waterproof material, as approved by the board of bureau of health. In tenement houses and lodging houses, the water closet and urinal apartments must have a window or windows opening into the outer air, of sufficient size, all of which shall be shown on plans, and shall be subject to the approval of the board or bureau of health. Except that tenement or lodging houses, three stories or less in height, may have such window opening on a ventilating shaft, not less than ten feet square in area. In all buildings, the outer partition of such apartments must extend to the ceiling, or be independently ceiled over, and these partitions must be airtight. The outside partitions must include a window opening to outer air on the lot whereon the building is situated; or some other approved means of ventilation must be provided. When necessary to properly light such apartments, the upper part of the partitions must be of glass. The interior partitions of such apartments must be dwarf partitions.

Section 51, Act of June 7, 1911, P. L. 680.

57. Materials for Urinals. Walls of Urinal Apartments. All urinals must be constructed of materials impervious to moisture and that will not corrode under the action of urine. The floor and walls of urinal apartments must be lined with similar nonabsorbent and noncorrosive material.

Section 52, Act of June 7, 1911, P. L. 680.

58. Connections of Platforms and Treads of Urinals. The platforms or treads of urinal stalls must not be connected independently to the plumbing system, nor can they be connected to any safe waste-pipe.

Section 53, Act of June 7, 1911, P. L. 680.

59. Trough Water Closets and Trough Urinals. Iron trough water closets and trough urinals must be porcelain, enameled, or galvanized cast iron.

Section 54, Act of June 7, 1911, P. L. 680.

60. Sufficient Water Supply for Water Closets and Fixtures. All water closets and other fixtures must be provided with a sufficient supply of water for flushing, to keep in a proper and cleanly condition.

Section 55, Act of June 7, 1911, P. L. 680.

61. Size of Flush Pipes. Water closet flush pipes must not be less than one and one-quarter inches, and urinal flush pipes one-half inch in diameter.

Section 56, Act of June 7, 1911, P. L. 680.

62. Copper and Lead Linings of Water Closet and Urinal Cisterns. The copper lining of water closet and urinal cisterns must not be lighter than twelve-ounce copper, and must be stamped on lining with maker's name. Where lead is used for lining it must not weigh less than four pounds to the square foot. All other materials are prohibited.

Section 57, Act of June 7, 1911, P. L. 680.

63. Wooden Wash Trays, Sinks and Bath Tubs Prohibited. Construction of Such Fixtures. Cement and Artificial Tubs. Wooden wash trays, sinks or bath tubs are prohibited inside of buildings. Such fixtures must be constructed of nonabsorbent material. Cement or artificial tubs will not be permitted, unless approved by the board or bureau of health.

Section 58, Act of June 7, 1911, P. L. 680.

64. Water Closets Located in Yards. Water closets when located in yard must be arranged as to be conveniently and adequately flushed, and the water supply pipes and traps protected from freezing by being placed in a hopper pit, at least four feet below the surface of the ground, the walls of which pit shall be constructed of hard-burned brick or stone laid in cement or mortar, or of concrete, and traps used inside pit must be extra heavy cast iron, and the trap to have a hand-hole for cleanout purposes. The closet drain to be vented, with a four-inch pipe and carried up above the roof of closet, away from any opening or window. The water shall be supplied through an automatic seat-action valve. The waste water from valve shall be conveyed to the sewer through a half-inch lead pipe, properly connected. The enclosures of yard water closets shall be ventilated by slatted openings, and there shall be a trap door in floor of sufficient size to permit of convenient access to the hopper-pit.

Section 59, Act of June 7, 1911, P. L. 680.

65. Privies and Cesspools. No privy vault or cesspools for sewage shall hereafter be constructed in any part of the city where a sewer is at all accessible, which shall be determined by the department, board or bureau of health; nor shall it be lawful to continue a privy vault or cesspool on any lot, piece, or parcel of ground abutting on or contiguous to any public sewer within the city limits. The department or board or bureau of health shall have the power to issue notice, giving at least three months' time to discontinue the use of any cesspool and have it cleaned and filled up. No connection from any cesspool or privy vault shall be made with any sewer; nor shall any water closet or house drain empty into a cesspool or privy vault.

Section 60, Act of June 7, 1911, P. L. 680.

66. Location and Construction of Privies in Rural Districts. In rural districts, or districts where no sewer exists, privy vaults shall

not be located within two feet of party or street line, nor within twenty feet of any building. Before any privy vault shall be constructed, application for permission shall be made to the department or board or bureau of health, and such privy vault shall have nine-inch walls, constructed of hard-burned brick, or stone, laid in cement mortar, or of concrete, with bottom and sides cemented so as to be water-tight; size to be not less than four feet in diameter and six feet deep.

Section 61, Act of June 7, 1911, P. L. 680.

67. Plumbing Material. Workmanship. All material used in the work of plumbing and drainage must be of good quality and free from defects. The work must be executed in a thorough and workmanlike manner.

Section 62, Act of June 7, 1911, P. L. 680.

68. Use of Names of Persons, Etc., in Plumbing Business. No person, firm, or corporation carrying on the business of plumbing and house drainage shall allow his or their name to be used by any person, directly or indirectly, either to obtain a permit or permits, or to do any work under his or their license.

Section 63, Act of June 7, 1911, P. L. 680.

69. Certain Terms Defined. The term "private sewer" is applied to main sewers that are not constructed by and under the supervision of the department of public works.

The term "house sewer" is applied to that part of the main drain or sewer extending from a point five feet outside of the outer wall of a building, vault, or area to its connection with public sewer, private sewer, or cesspool.

The term "house drain" is applied to that part of the main horizontal drain and its branches inside the walls of the building, vault or area, and extending to and connecting with the house sewer.

The term "soil pipe" is applied to any vertical line of pipe extending through the roof, receiving the discharge of one or more water closets, with or without other fixtures.

The term "waste pipe" is applied to any pipe extending through roof, receiving the discharge from any fixtures except water closets.

The term "vent pipe" is applied to any special pipe provided to ventilate the system of piping, and to prevent trap siphonage and back pressure.

Section 64, Act of June 7, 1911, P. L. 680.

70. Defective Plumbing. Procedure to Remedy. Abatement as Nuisance. Whenever it shall come to the knowledge of the department or board or bureau of health, or complaint in writing shall be made by any citizen, that the plumbing or drainage in any building has become a nuisance or is contrary to the provisions and require-

ments of this act or the ordinances of the city, or is of faulty construction and liable to breed disease or endanger the health of the occupants, or upon the request of any owner or occupant of any building fitted with plumbing or drainage prior to the passage of this act, then the department or board or bureau of health shall direct the proper officer to examine the plumbing or drainage in any such building, and the said officer shall make a drawing of the plan of said plumbing, drainage, and sewer and ventilating-shaft connections. He shall report his findings, in writing, to the department or board or bureau of health, and suggest such changes as are necessary to make the same conform to the rules governing such matters.

The department or board or bureau of health shall thereupon notify the owner or agent of any such building of the changes which are necessary to be made in said plumbing or drainage. Said changes shall be made within the time fixed by the department or board or bureau of health; and upon refusal or neglect to obey such orders, the department or board or bureau of health shall institute legal proceedings to have such changes made and said nuisance abated, by action before a justice of the peace or court of record; in which said action the owner or agent of said building may show in defense that the plumbing or drainage was not a nuisance, or was not of faulty construction or out of repair, and in case of a building constructed subsequent to the passage of this act, said plumbing or drainage was not contrary to the provisions and requirements of this act or the ordinances of the city.

Section 65, Act of June 7, 1911, P. L. 680.

71. Air and Water Tests of Drain Soil, Waste, Vent and Other Pipes. When drain, soil, waste, vent, and other pipes in the building, connected or to be connected with the sewer, have been placed in position, a preliminary water or air test of the same shall be applied, in the presence of an officer of the Board or Bureau of Health.

Section 66, Act of June 7, 1911, P. L. 680.

72. Final Test of Plumbing Work. Certificate of Approval. When the work has been completed, a final notice shall be filed with the Board or Bureau of Health, when a final air or peppermint test shall be made in presence of said officer; when if found satisfactory, a certificate of approval of the work will be issued; but no such plumbing or drainage work or system shall be used until said test has been made and certificate issued.

Section 67, Act of June 7, 1911, P. L. 680.

73. Plumbing Contractor to Arrange for Inspection. When work is ready for inspection the plumbing contractor shall make such arrangements as will enable the proper officer to reach all parts of

the building easily and readily, and also have present the proper apparatus and appliances for making said tests, and furnish such assistance as may be necessary to a proper application of the same.

Section 68, Act of June 7, 1911, P. L. 680.

74. Disputes over Plumbing Work how Settled. In case of any dispute or difference of opinion existing between the Department or Board or Bureau of Health and any person, firm, or corporation, as aforesaid, regarding the construction of plumbing, house drainage, or cesspools, the same shall be submitted by either party to the Director of the Department of Public Health and Charities, or the presiding officer of the Department or Board or Bureau of Health, who shall pass upon the same, and whose findings therein, after hearing, shall be final and conclusive upon all parties.

Section 69, Act of June 7, 1911, P. L. 680.

75. Penalties. Any person or persons who shall fail to comply with any of the provisions of this act, regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage, shall be liable to a fine of not less than ten dollars, nor exceeding fifty dollars, for each and every day he or they shall engage in or work at said business without first having obtained said certificate or license; and any person or persons who shall violate any of the rules, regulations, or requirements set forth in this act, regarding the construction, reconstruction or testing of plumbing, house drainage, or cesspools, shall be liable for every such offense to a fine of not less than ten dollars, nor more than fifty dollars, which fines shall be recoverable before any alderman or police magistrate in said cities, by summary proceedings, and shall be sued for in the name of such cities, and when collected shall be paid into the treasury thereof.

All fines and penalties imposed by this act shall be recoverable by summary proceedings, before any police magistrate or justice of the peace in said cities; and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed; and upon recovery thereof, all such fines and penalties shall be paid to the city treasury thereof. In default of the payment of any fine or penalty imposed by any police magistrate or justice of the peace, under the provisions of this act, the person or persons so offending may be committed to the jail, workhouse, or other penal institution of the county in which said city is situated, for a period not exceeding thirty days.

Section 70, Act of June 7, 1911, P. L. 680.

76. Rules and Regulations of Health Authorities. The Department or Board or Bureau of Health shall have power to make such

rules, regulations, and changes in the foregoing specifications relative to the construction of the plumbing or house drainage as said department, board, or bureau may, from time to time, determine to be necessary or advisable for the better protection of the safety or health of the occupants of any house, or the community.

Section 71, Act of June 7, 1911, P. L. 680.

(c) In Cities of the Second and Third Classes.

77. Licensing and Registration of Plumbers. From and after the passage of this act, it shall not be lawful for any persons to carry on or work at the business of plumbing or house drainage in the cities of the second and third class of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons by the director of the department of public safety, or department or board or bureau of health, of such cities; nor until they have registered as such in the office of the department or board or bureau of health of said cities.

Section 1, Act of May 21, 1913, P. L. 276, further amending Section 1, Act of June 7, 1901, P. L. 493.

78. Application for License. Issuance of License. Board of Examiners. Rules and Regulations. License Fees. Appointment of Plumbing Inspector. Business Sign. Only Registered Plumbers to Engage in Business. Change of Place of Business. Registration of Plumbers. Re-Licensing, Re-Registration and Re-Examinations. Fee for Re-Registration. Register of Applicants. Reciprocity. All and every person, or persons, engaged or engaging in the business or work of plumbing and house drainage in said cities, shall apply in writing to the said director of the department of public safety, department or board or bureau of health, for such certificate or license; and if, after proper examination made by the department or board or bureau of health of said cities, such person or persons so applying shall be found competent, the same shall be certified to the director of the department of public safety, department or board or bureau of health, who shall thereupon issue a certificate or license to such person or persons, which shall, for the period of one calendar year or fractional part thereof next ensuing the date of such examination, entitle him or them to engage in, or work at, the business of plumbing and house drainage. The mayor of said cities is hereby authorized to appoint a board of examiners, to consist of the board or bureau of health, one plumbing inspector, and two competent plumbers in nowise connected with the city government, who shall examine all applicants for license under the provisions of this act. The said board shall make all reasonable rules, regulations, and examinations, which shall be approved by the said director of the department or board or bureau of health. An examination of any one

member of a firm or corporation, or of the superintendent or foreman therefor, shall be deemed sufficient. Said person or persons, firm or corporation, engaged or engaging in the business of plumbing or house drainage, shall pay for each examination the sum of five dollars, and each journeyman or person engaged in the work shall pay the sum of fifty cents, which sum shall be paid into the city treasury for the use of said cities. The proper officers of said cities are hereby authorized to pay to the plumbers acting on said board the sum of five dollars per day, for each day or session thus actually employed.

The mayor of said cities is hereby authorized and required to appoint a competent person as plumbing inspector, whose duty it shall be to supervise, superintend, and inspect all plumbing and house drainage, in conformity with the provisions of this act. And the several cities are hereby authorized and required to make proper provision for the payment of the salary of the said plumbing inspector, as provided by law.

Every registered master plumber shall have a bona fide place of business in said cities, and shall display on the front of his or their place of business a sign, "Registered Plumber," bearing the name or names of the person, firm, or corporation, in letters not less than three inches high.

No person other than a registered master plumber shall be allowed to carry on, or engage in, the business, nor shall any person or persons expose the sign of plumbing or house drainage, or any advertisement pertaining thereto, unless he or they have first secured a license or certificate and been registered in the office of the board or bureau of health of such cities; nor shall any person or persons other than a registered master plumber,—or person in his or their employ, or under his or their supervision,—be allowed to alter, repair, or make any connection with, any drain-, soil-, waste-, or vent-pipe, or any pipe connected therewith.

Every registered master plumber, firm, or corporation shall give immediate notice of any change in his, their, or its place of business; and upon his, their, or its retirement from business shall surrender his, their or its certificate of registry to the board or bureau of health. Every person, firm, or corporation, or representative thereof, in registering, shall give the full name, or names, of the person, firm, or officers' names of the corporation, for which he or they shall register.

At the expiration of each calendar year said certificate or license shall be null and void. A licensed master or journeyman plumber desiring to continue in, or work at, the business of plumbing and house drainage for the ensuing year, shall, between the first and thirty-first days of December of each and every year, surrender the said certificate or license to the department or board or bureau of

health, and re-register his, their, or its name or names, and business or home address, upon such form or forms as may, from time to time, be furnished by said department or board or bureau of health.

A re-examination will not be necessary for re-registration, unless the licensed master or journeyman plumber should have failed to make an application for re-registration at the specified time. The sum of one dollar shall be paid by master plumbers, firms, or corporations, and the sum of twenty-five cents by journeymen plumbers, for re-registration, which sum shall be paid into the city treasury, for the use of said cities. A register of all such applicants, and the license or certificates issued, shall be kept in said department, board or bureau of health, which said register shall be open to the inspection of all persons interested therein. Any person, firm, or corporation holding a license or certificate, granted by any first, second or third class city of this Commonwealth, to engage in or work at the business of plumbing and drainage work, desiring to do plumbing or drainage work in any other city than the one in which said license or certificate was granted, shall, without examination, be registered before entering upon such work: Provided, however, That such registration shall be restricted and limited to such plumbing and drainage work as he, they, or it shall have contracted for at the time of registry. On the completion of such contract or contracts the registration of such person, firm, or corporation shall be null and void and no further permit shall be issued until he, they, or it shall have first registered his or its name, or their names and addresses as hereinbefore provided.

Section 1, Act of June 12, 1913, P. L. 476, further amending Section 2, Act of June 7, 1901, P. L. 493.

79. Rules, Regulations and Requirements for Plumbing. From and after the passage of this act, the construction of plumbing, house drainage and cess-pools shall be conducted only under and in accordance with the following rules, regulations and requirements, namely:

Section 3, Act of June 7, 1901, P. L. 493.

80. Separate Plans for Each Building or Addition. There shall be a separate plan for each building, public or private, or any addition thereto, or alterations thereof, accompanied by specifications showing the location, size and kind of pipe, traps, closets and fixtures to be used, which plans and specifications shall be filed with the board or bureau of health. The said plans and specifications shall be furnished by the architect, plumber or owner, and filed by the plumber. All applications for change in plans must be made in writing.

Section 4, Act of June 7, 1901, P. L. 493.

81. Plumbers to Submit Plans to Board or Bureau of Health. Plumbers before commencing the construction of plumbing work in any building in the said cities (except in case of repairs, which are

here defined to relate to the mending of leaks in soil, vent or waste-pipes, faucets, valves and water supply pipes, and shall not be construed to admit of the replacing of any fixture, such as water-closets, bath-tubs, wash-stands, sinks, et cetera, or the respective traps for such fixtures), shall submit to the board or bureau of health plans and specifications, legibly drawn in ink, on blanks to be furnished by said board or bureau. Where two or more buildings are located together and on the same street, and the plumbing work is identical in each, one plan will be sufficient. Plans will be approved or rejected within twenty-four hours after their receipt.

Section 5, Act of June 7, 1901, P. L. 493.

82. Connections Between Sewers and Buildings to be Adequate. Changes in Connections. It shall be the duty of every person constructing or owning any drain, soil-pipe, passage or connection, between a sewer and any ground, building, erection or place of business, and in like manner the duty of the owners of all grounds, buildings, erections, and of all parties interested therein or thereat, to cause and require that such drain, soil-pipe, passage or connection, shall be adequate for its purpose, and shall at all times allow to pass freely all material that enters or should enter the same; and no change of drainage, sewerage or the sewer connections of any house shall be permitted, unless notice thereof shall have been given the board or bureau of health, and assent thereto obtained in writing.

Section 6, Act of June 7, 1901, P. L. 493.

83. Inspection by Board or Bureau of Health. Drainage, sewerage or plumbing work must not be covered or concealed in any manner until after it is inspected and approved by the board or bureau of health. Notice must be given said board or bureau, upon blanks to be furnished by it, when the work is sufficiently advanced for such inspection; when it shall be the duty of the proper officers to inspect the same within three days after receipt of said notice.

Section 7, Act of June 7, 1901, P. L. 493.

84. Drainage Systems. House Drains and Soil Pipes. Private Sewers. The main drainage system of every house or building shall be separately and independently connected with the street sewer, where such sewer exists, except where two houses are built together on a lot with a frontage of thirty feet or less, when one connection with main sewer will be allowed; but there shall be a separate house drain for each house, connected by a "Y" connection in front of such houses, at the property line, with main house sewer; or, where one building exists or is erected in the rear of another, on an interior lot, of single ownership, and no private sewer is available, or can be made for the rear building through an adjoining alley, courtyard or driveway, the house drain from the front building may be ex-

tended to the rear building, and the whole will be considered as one house drain. Where it is necessary to construct a private sewer to connect with sewer on adjacent street, such plans may be used as may be approved by the department or board or bureau of health, but in no case shall joint drains be laid in cellars, parallel with the street or alley.

House drains or soil-pipes, laid beneath floor, must be extra heavy cast-iron pipe (as per table in section sixteen) with leaded and caulked joints, and carried five feet outside cellar wall. All drains or soil-pipes connected with main drain where it is above the cellar floor shall be of extra heavy cast-iron pipe, with leaded and caulked joints, or of heavy wrought-iron pipe, with screw joints properly secured, and carried five feet outside cellar wall, and all arrangements of soil-, or waste-pipes shall be as direct as possible. Wrought-iron pipes shall be galvanized. Changes of direction on pipes shall be made with "Y" branches, both above and below the ground, and where such pipes pass through a new foundation-wall a relieving arch shall be built over it, with two-inch space on either side of main pipe.

The size of the main house drain shall be determined by the total area of the buildings and paved surfaces to be drained, according to the following table, if iron pipe is used. If the pipe is terra cotta, the diameter shall be one size larger for the same amount of area drainage.

Diameter.	Fall One-Quarter Inch Per Foot.	Fall One-Half Inch Per Foot.
4 inches, -----	1,800 square feet drainage area,---	2,500 square feet drainage area.
5 inches, -----	3,000 square feet drainage area,---	4,500 square feet drainage area.
6 inches, -----	5,000 square feet drainage area,---	7,500 square feet drainage area.
8 inches, -----	9,100 square feet drainage area,---	13,600 square feet drainage area.
10 inches, -----	14,000 square feet drainage area,---	20,000 square feet drainage area.

The main house drains may be decreased in diameter beyond a rain-water conductor or surface inlet by permission of the department or board or bureau of health, when the plans show that conditions are such as to warrant such decrease; but in no case shall the main house drain be less than four (4) inches in diameter.

Section 3, Act of May 14, 1909, P. L. 840, amending Section 8, Act of June 7, 1901, P. L. 493.

85. Traps for House Drains. The house drain must be provided with a horizontal trap, placed immediately inside the cellar wall. The trap must be provided with a handhole for convenience in cleaning, the cover of which must be properly fitted and made gas- and air-tight, with heavy brass screw-cap, ferrule, caulked in. This class of traps shall be subject to the approval of the board or bureau of health.

Section 9, Act of June 7, 1901, P. L. 493.

86. Fresh Air Inlets to be Connected with House Drains. A fresh air inlet must be connected with the house drain just inside of the house trap. Where underground, it must be of extra heavy cast-iron. Said inlet must lead to the outer air, and finish with an automatic device, approved by the board or bureau of health, at a point just outside the front wall of building. The fresh air inlet must be of the same size as the drain, up to four inches. For five and six inch drains it must not be less than four inches in diameter; for seven and eight inch drains, not less than six inches in diameter, or its equivalent; and for larger drains, not less than eight inches in diameter, or its equivalent.

Section 10, Act of June 7, 1901, P. L. 493

87. Grade of House Drains and Sewers. House sewers and house drains must, where possible, be given an even grade to the main sewer of not less than one-quarter of an inch per foot.

Section 11, Act of June 7, 1901, P. L. 493.

88. House Sewers When to be Constructed. When main sewer is not located on street, house sewers must be constructed on outside of buildings, and branch into each house separately, and in no case will the sewer from one house to another be permitted to run through cellars.

Section 12, Act of June 7, 1901, P. L. 493.

89. Construction of House Sewers. Where the ground is of sufficient solidity for a proper foundation, cylindrical terra-cotta pipe of the best quality, free from flaws, spilt or cracks, perfectly burned, and well glazed over the entire inner and outer surfaces, may be used, if laid on a smooth bottom, with a special groove cut in the bottom of the trench for each hub, in order to give the pipe a solid bearing on its entire length, and the soil well rammed on each side of the pipe. The spigot and hub ends shall be connected. The space between the hub and pipe must be thoroughly filled with cement mortar, made of equal parts of the best American natural cement and bar sand, thoroughly mixed dry, and enough water afterwards added to give proper consistency. The mortar must be mixed in small quantities, and used as soon as made. The joints must be carefully wiped out and pointed, and all mortar that may be left inside removed, and the pipe left clean and smooth throughout, for which purpose a swab may be used. It must not be laid closer than five feet to any exterior wall of a building, or less than three and one-half feet below the surface of the ground, or when the sewer passes near a well, nor will it be allowed in bad or made ground.

Section 13, Act of June 7, 1901, P. L. 493.

90. House Sewers When to be Constructed of Extra Heavy Cast-Iron Pipe. Where a sewer is laid between buildings, in a passage-

way, alley or courtyard, at a less distance than five feet from the buildings, it must be constructed of extra heavy cast-iron pipe, for a distance corresponding to the length of the foundation of said buildings.

Section 14, Act of June 7, 1901, P. L. 493.

91. Floor and Other Drains When Permitted. Floor or other drains will only be permitted when it can be shown, to the satisfaction of the board or bureau of health, that their use is absolutely necessary, and arrangements made to maintain a permanent water-seal in the traps, and be provided with check- or back-water valves.

Section 15, Act of June 7, 1901, P. L. 493.

92. Construction and Weight of Cast-Iron Pipe. All cast-iron pipes must be sound, free from holes, and of a uniform thickness, known as "extra heavy" pipe, and corresponding fittings will be required. The pipe must be tested to fifty pounds water pressure, and marked with the maker's name. Pipes shall weigh as follows, namely:

Two-inch pipe, five and one-half pounds per lineal foot.

Three-inch pipe, nine and one-half pounds per lineal foot.

Four-inch pipe, thirteen pounds per lineal foot.

Five-inch pipe, seventeen pounds per lineal foot.

Six-inch pipe, twenty pounds per lineal foot.

Seven-inch pipe, twenty-seven pounds per lineal foot.

Eight-inch pipe, thirty-three and one-half pounds per lineal foot.

Ten-inch pipe, forty-five pounds per lineal foot.

Twelve-inch pipe, fifty-four pounds per lineal foot.

Section 16, Act of June 7, 1901, P. L. 493.

93. Subsoil Drains. Subsoil drains must discharge into a sump or receiving tank, the contents of which must be lifted and discharged into the drainage system above the cellar floor by some approved method. Where directly sewer connected, they must be cut off from the rest of the plumbing system by a brass flap-valve on the inlet to the catch-basin, and the trap on the drain from the catch-basin must be water supplied, as required for cellar drain.

Section 17, Act of June 7, 1901, P. L. 493.

94. Drainage of Yards, Areas and Courts. All yards, areas and courts must be drained. Tenement houses and lodging houses must have the yards, areas and courts drained into the sewer. These drains, when sewer connected, must have connection not less than four inches in diameter. They should be controlled by one trap,—the leader trap, if possible.

Section 18, Act of June 7, 1901, P. L. 493.

95. When Old House Drains and Sewers May Be Used. Old house drains and sewers may be used, in connection with new build-

ings or new plumbing, only when they are found, on examination by the board or bureau of health, to conform in all respects to the requirements governing new sewers and drains. All extensions to old house drains must be of extra heavy cast-iron pipe.

Section 19, Act of June 7, 1901, P. L. 493

96. Metallic Leaders from Roofs. All buildings shall be kept provided with proper metallic leaders, for conducting water from the roofs in such manner as shall protect the walls and foundations of said building from injury. In no case shall the water from said leaders be allowed to flow upon the sidewalk, but the same shall be conducted by a pipe or pipes to the sewer. If there be no sewer in the street upon which such buildings front, then the water from said leaders shall be conducted, by proper pipe or pipes below the surface of the sidewalk, to the street gutter.

Section 20, Act of June 7, 1901, P. L. 493.

97. Material for Inside and Outside Leaders. Inside leaders must be constructed of cast iron, wrought iron, or steel, with roof connections made gas- and water-tight by means of heavy copper-drawn tubing slipped into the pipe. The tubing must extend at least seven (7) inches into iron leader pipe. Outside leaders may be sheet metal, but they must connect with house drain by means of a cast-iron pipe extending vertically five (5) feet above grade level, where the building is located along public driveways or sidewalks. Where the building is located off building line, and not liable to be damaged, the connection shall be made with iron pipe extending at least one foot above grade level.

Section 4, Act of May 14, 1909, P. L. 840, amending Section 21, Act of June 7, 1901, P. L. 493.

98. Leaders to Be Trapped to Prevent Freezing. All leaders must be trapped with cast-iron running traps, so placed as to prevent freezing.

Section 22, Act of June 7, 1901, P. L. 493.

99. Use of Rain-Water leaders. Rain-water leaders must not be used as soil, waste, or vent pipes, nor shall such pipes be used as a leader.

Section 23, Act of June 7, 1901, P. L. 493.

100. Steam Exhaust, Blow-Off and Drip Pipes. No steam exhaust, blow-off or drip pipe shall connect with a sewer or house drain, leader, soil pipe, waste or vent pipe. Such pipes must discharge into a tank or condenser, from which suitable outlet to the sewer shall be made. Such condensers shall be water supplied, to help condensation and to protect the sewer, and shall also be supplied with relief vent to carry off dry steam.

Section 24, Act of June 7, 1901, P. L. 493.

101. Diameter of Soil Pipes. The smallest diameter of any soil pipe permitted to be used shall be four-inch. The size of soil pipes must be not less than those set forth in the following table:

Maximum Number of Fixtures Connected to

Size of Pipe.	Soil and Waste Combined.		Soil Pipe Alone.	
	Branch.	Main.	Branch.	Main.
4-inch, -----	48 fixtures,-----	96 fixtures,-----	8 water closets,---	16 water closets..
5-inch, -----	96 fixtures,-----	192 fixtures,-----	16 water closets,---	32 water closets.
6-inch, -----	268 fixtures,-----	336 fixtures,-----	34 water closets,---	68 water closets.

If the building is six (6), and less than twelve (12), stories in height, the diameter shall be not less than five inches (5); if more than twelve (12) stories, it shall be six (6) inches in diameter. A building six or more stories in height, with fixtures located below the sixth floor, soil pipe four (4) inches in diameter will be allowed to extend through the roof; provided the number of fixtures does not exceed the number given in the table.

All soil pipes must extend at least two feet above the highest window, and must not be reduced in size. Traps will not be permitted on main, vertical, soil or waste lines. Each house must have a separate line of soil and vent pipes. No soil or waste line shall be constructed on the outside of a building.

Fixtures with—

One and one-quarter inch traps, count as one fixture;

One and one-half inch traps, count as one fixture;

Two-inch traps, count as two fixtures;

Two and one-half inch traps, count as three fixtures;

Three-inch traps (water closets), count as four fixtures;

Four-inch traps, count as five fixtures.

Section 5, Act of May 14, 1909, P. L. 840, amending Section 25, Act of June 7, 1901, P. L. 493.

102. Changes in Direction Sewer, Soil and Waste Pipes. All sewer, soil and waste pipes must be as direct as possible. Changes in direction must be made with "Y" or half "Y" branches, or one-eighth bends. Offsets in soil or waste pipes will not be permitted when they can be avoided; nor, in any case, unless suitable provision is made to prevent accumulation of rust or other obstruction. Offsets shall be made with forty-five degree bends, or similar fittings. The use of T "Y's" (Sanitary T's) will be permitted on upright lines only.

Section 26, Act of June 7, 1901, P. L. 493.

103. Joints in Cast-Iron and Soil and Waste Pipes. Connections of Lead and Cast-Iron Pipes. Joints in cast-iron pipes and soil and waste pipes must be so filled with oakum and lead, and hand caulked as to make them gas-tight. Connections of lead and cast-iron pipes must be made with brass sleeve or ferrule, of the same size as the lead pipe inserted in the hub of the iron pipe, and caulked with lead. The lead pipe must be attached to the ferrule by wiped joint. Joints between lead and wrought-iron pipes must be made with brass nipple, of same size as lead pipe. The lead pipe must be attached to the nipple by wiped joint. All connections of lead waste pipe must be made by means of wiped joints.

Section 27, Act of June 7, 1901, P. L. 493.

104. Traps for Bath Tubs, Water Closets, Etc. Every sink, bath tub, basin, water closet, slop hopper, or fixture having a waste pipe, must be furnished with a trap, which shall be placed as close as practicable to the fixture that it serves, and in no case shall they be more than one foot from said fixture. The waste pipe from the bath tub or other fixtures must not be connected with a water closet trap.

Section 28, Act of June 7, 1901, P. L. 493.

105. Size of Horizontal and Vertical Waste Pipe Traps and Branches.

Horizontal and Vertical.	Number of Small Fixtures.
1½ inches, -----	1
1¾ inches, -----	2
2 inches, -----	3 to 8
2½ inches, -----	9 to 20
3 inches, -----	21 to 44

If building is ten (10) or more stories in height, the vertical waste pipe shall not be less than three (3) inches in diameter. The use of wrought-iron pipe for waste pipe two inches or less in diameter is prohibited.

The size of traps and waste branches, for a given fixture, shall be as follows:—

Kind of Fixtures.	Size in Inches.	
	Trap.	Branch.
Water closet, -----	3	4
Slop sink with trap combined, -----	3	3
Slop sink, ordinary, -----	2	2
Pedestal urinal, -----	3	3
Floor drain, or wash, -----	4	4
Yard drain, or catch basin, -----	4	4
Urinal trough, -----	2	2
Laundry trays (2 or 5), -----	2	2
Combination sink and tray (for each fixture), -----	1½	2
Kitchen sinks (small) for dwellings, -----	1½	1½
Kitchen sinks (large) hotels, restaurants, grease trap, -----	2	2
Pantry sinks, -----	1½	1½
Wash basin, one only, -----	1½	1½
Bath tubs, 4x10 inches drum trap, -----	1½	1½
Shower baths, -----	1½	1½
Shower baths (floor), -----	2	2
Sitz baths, -----	1½	1½
Drinking fountains, -----	1½	1½

Section 6, Act of May 14, 1909, P. L. 840, amending Section 29, Act of June 7, 1901, P. L. 493.

106. Overflow Pipes. Overflow pipes from fixtures must, in all cases, be connected on the inlet side of traps.

Section 30, Act of June 7, 1901, P. L. 493.

107. Sediment Pipes. Sediment pipes from kitchen boilers must not be connected on the outlet side of traps.

Section 31, Act of June 7, 1901, P. L. 493.

108. Size of Traps. All traps must be well supported, and set true with respect to their water levels. The sizes for traps must not be less than those given in the following:

Traps for water closets, four inches in diameter.

Traps for slop sinks, one and one-half inches to three inches in diameter.

Traps for kitchen sinks, one and one-half inches in diameter.

Traps for wash trays, two inches in diameter.

Traps for (bowl) urinals, one and one-half inches in diameter.

Traps for wash stands, one and one-fourth inches in diameter.

All bath tubs shall be supplied with drum trap, not less than three inches in diameter, with three-inch trap screws on floor line. In case where an additional fixture is required in a building, and it is impossible to get revent pipe for the trap, the board or bureau of health shall designate the kind of trap to be used. This shall not be construed to allow traps without revents, in new buildings.

Section 32, Act of June 7, 1901, P. L. 493.

109. Safe Waste Pipes and Refrigerator Waste Pipes. Safe waste pipes must not connect directly with any part of the plumbing sys-

tem. Safe waste pipes must discharge over an open, water-supplied, publicly-placed, ordinarily-used sink, placed not more than three and one-half feet above the cellar floor. The safe waste from a refrigerator must be trapped at the bottom of the line only, and must not discharge upon the ground floor, but over an ordinary portable pan, or some properly trapped, water-supplied sink, as above. In no case shall the refrigerator waste pipe discharge over a sink located in a room used for living purposes.

The branches on vertical lines must be made by "Y" fittings, and be carried to the safe with as much pitch as possible. Where there is an offset on a refrigerator waste pipe in cellar, there must be clean-outs to control the horizontal part of the pipe.

In tenement and lodging houses the refrigerator waste pipes must extend above the roof, and not be larger than one and one-half inches, nor the branches less than one and one-quarter inches. Refrigerator waste pipes, except in tenement houses, and all safe waste pipes, must have brass flap-valves at their lower ends. Lead safes must be graded, and neatly turned over beveled strips at their edges.

Section 33, Act of June 7, 1901, P. L. 493.

110. All vent pipes must either be of lead, brass, loricated porcelain, enameled iron, or galvanized iron pipe.

Section 34, Act of June 7, 1901, P. L. 493.

111. **Ventilation of Traps and Soil Lines. Size and Construction of Vent Pipes.** Traps shall be protected from siphonage or air pressure by special vent pipes of a size not less than the following tables:—

Size of Pipe.	Maximum Developed Length in Feet.	Number of Traps Vented.		
		Mains.	Branch.	Main Vertical.
1¼-inch vent, -----	20		1	
1½-inch vent, -----	40		2 or less.	
2-inch vent, -----	65		10 or less,	20 or less.
2½-inch vent, -----	100		20 or less,	40 or less.
3-inch vent, -----	10 or more stories,		60 or less,	100 or less.

The branch vent pipes shall be not less than the following sizes:—
One and one-fourth inches in diameter, for one and one-four inch traps.

One and one-half inches in diameter, for one and one-half inch to two and one-half inch traps.

Two inches in diameter, for three-inch to four-inch traps.

One-half their diameter, for traps five inches and over.

Where two (2) or more water closets are placed side by side on a horizontal branch, the branch line shall have a relief extended

as a loop vent. A pipe two (2) inches in diameter will be sufficient as a loop vent for two (2) closets. A pipe three (3) inches in diameter shall be used as a relief for three (3) or four (4) closets; and where more than four (4) closets are located on the same branch the relief shall not be less than four (4) inches in diameter. All house drains and soil lines on which a water closet is located must have a four-inch main vent line. Where an additional closet is located in the cellar or basement, and within ten feet of main soil or vent line, no relief vent will be required for said closet; but where it is more than ten feet, a two-inch vent line will be required. Relief vent pipes for water closets must not be less than two inches in diameter, for a length of forty feet, and not less than three inches in diameter, for more than forty feet.

No revent from traps under bell traps will be required.

Any building having a sewer connection with a public or private sewer used for bell-trap connections or floor drainage only, a two-inch relief line must be extended to the roof of building from rear end of main drain. House drains, constructed for roof drainage only, will not require a relief vent.

A floor-trap for a shower shall be vented, unless located in cellar or ground floor, the paving of which renders the trap inaccessible. If the number of these fixtures on a branch is two (2) or more, the waste line shall be extended as a loop vent, instead of back venting the separate traps; and when located in basement floor, they shall be provided with a removable strainer or cleanout.

Back vent pipes, from traps above the floor, must either be connected with crown of trap with ground-in brass coupling, or, if connected solidly to trap, must have a ground-in brass coupling at wall.

Section 7, Act of May 14, 1909, P. L. 840, amending Section 35, Act of June 7, 1901, P. L. 493.

112. Construction of Vent Pipes. Where rows of fixtures are placed in a line, fittings of not less than forty-five (45) degrees to the horizontal must be used on vent lines to prevent filling with rust or condensation; except on brick or tile walls, where it is necessary to channel same for pipes, ninety (90) degree fittings will be allowed. Trapped vent pipes are strictly prohibited. No vent pipe from house side of any trap shall connect with ventilation pipe, or with sewer, soil, or waste pipe.

Vent pipes from several traps may be connected together, or may be carried into the main vent line above the highest fixture. Where one vertical vent line connects with another, a "Y" fitting must be used. Branch vent pipes must be connected as near to crown of trap as possible.

Section 8, Act of May 14, 1909, P. L. 840, amending Section 36, Act of June 7, 1901, P. L. 493.

113. Offsets and Connections on Vent Lines. All offsets on vent lines must be made at an angle of not less than forty-five degrees to the horizontal, and all lines must be connected at the bottom with a soil or waste pipe, or the drain, in such a manner as to prevent the accumulation of rust, scale or condensation.

Section 37, Act of June 7, 1901, P. L. 493.

114. Rubber Connections for Back Vents. Rubber connections for back vents will not be permitted, without double coupling and thimble inside.

Section 38, Act of June 7, 1901, P. L. 493.

115. Certain Flues Not to Be Used as Ventilators. No brick, sheet metal or earthenware flue, or chimney flue, shall be used as a sewer ventilator, or to ventilate any trap, drain, soil, or waste pipe.

Section 39, Act of June 7, 1901, P. L. 493.

116. Soldering Nipples. Soldering nipples must be extra heavy brass pipe, iron pipe size.

Section 40, Act of June 7, 1901, P. L. 493.

117. Screw-Caps for Cleanouts. Cleanout Ferrules. Brass screw-caps for cleanouts must be extra heavy, not less than one-eighth of an inch thick. The screw-cap must have a solid, square or hexagonal nut, not less than one inch high. The body of cleanout ferrule must, at least, equal in weight and thickness the caulking ferrule, for the same size pipe.

Section 41, Act of June 7, 1901, P. L. 493.

118. Brass Ferrules. Brass ferrules must be of best quality, bell shaped, extra heavy cast brass, not less than four inches long, and two and one-quarter inches, three and one-half inches, and four and one-half inches in diameter, and not less than the following weights:

Diameter two and one-fourth inches, weight one pound.

Diameter three and one-half inches, weight one pound twelve ounces.

Diameter four and one-half inches, weight two pounds eight ounces.

Section 42, Act of June 7, 1901, P. L. 493.

119. Construction of Water Closets and Sinks. The closet and all other fixtures must be set open, and free from all inclosing wood or other work. Where water-closets will not support a rim seat, the seat must be supported on galvanized iron legs, and a drip tray must be used, which tray must be porcelain, enameled on both sides and secured in place. In tenement houses and lodging houses, sinks must be entirely open, set on iron legs or brackets, without any inclosing wood or other work.

Section 43, Act of June 7, 1901, P. L. 493.

120. Certain Closet Not Permitted in Buildings. Pan, plunger or hopper closets will not be permitted in any building. No range closet, either wet or dry, nor an evaporating system of closets, shall be constructed or allowed inside of any building.

A separate building, constructed especially for the purpose, must be provided in which such range closets shall be set.

Section 44, Act of June 7, 1901, P. L. 493

121. Earthenware Traps. All earthenware traps must have heavy brass floor plates, soldered to the lead bends and bolted to the trap flange, and the joint made permanently secure and gas-tight.

Section 45, Act of June 7, 1901, P. L. 493.

122. Where Water Closets May Not Be Constructed. Water closets must not be located in sleeping apartments, nor in any room or compartment which has not direct communication with external air, either by window or air-shaft of at least four square feet.

Section 46, Act of June 7, 1901, P. L. 493.

123. Water Supply for Water Closets, Etc. No water closets, except those placed in yards, and flush meters, volumeters or similar devices, shall be supplied directly from the supply pipes.

Section 47, Act of June 7, 1901, P. L. 493.

124. Flushing Rim-Bowls. All water closets must have flushing rim-bowls.

Section 48, Act of June 7, 1901, P. L. 493.

125. Flushing Tanks and Cisterns for Closets. Water closets within buildings shall be supplied with water from special tanks or cisterns, which shall hold not less than six gallons when full to the level of the overflow pipe, for each closet supplied, excepting automatic or siphon tanks, which shall hold not less than five gallons for each closet supplied. A group of closets may be flushed from one tank, but water closets on different floors must not be flushed from the same tank, except flushometers, volumeters or similar devices. The water in said tanks must not be used for any other purpose.

126. Water Closet Systems in Tenement and Lodging Houses. In no case will the water closet system of tenement or lodging houses be permitted in cellars, basements, or under sidewalks.

Section 50, Act of June 7, 1901, P. L. 493.

127. Number of Water Closets. In all sewer connected, occupied buildings, there must be at least one water closet, and there must be additional closets so as there will never be more than fifteen persons per closet. In lodging houses, where there are more than fifteen persons on any floor, there must be an additional water closet on that floor for every fifteen additional persons, or fraction thereof.

Section 51, Act of June 7, 1901, P. L. 493.

128. Water Closet and Urinal Apartments. In tenement houses, lodging houses, factories, workshops, and all public buildings, the entire water closet apartments and sidewalks, to a height of sixteen inches from the floor, except at the door, must be made waterproof with asphalt, cement, tile, or other waterproof material, as approved by the board or bureau of health. In tenement houses and lodging houses, the water closet and urinal apartments must have a window or windows opening into the outer air, of sufficient size, all of which shall be shown on plans, and shall be subject to the approval of the board or bureau of health. Except that tenement or lodging house, three stories or less in height, may have such window opening on a ventilating shaft, not less than ten square feet in area. In all buildings, the outer partition of such apartments must extend to the ceiling, or be independently ceiled over, and these partitions must be air-tight. The outside partitions must include a window opening to outer air on the lot whereon the building is situated; or some other approved means of ventilation must be provided. When necessary to properly light such apartments, the upper part of the partitions must be of glass. The interior partitions of such apartments must be dwarf partitions.

Section 52, Act of June 7, 1901, P. L. 493.

129. Materials for Urinals. Walls of Urinal Apartments. All urinals must be constructed of materials impervious to moisture and that will not corrode under the action of urine. The floor and walls of urinal apartments must be lined with similar nonabsorbent and noncorrosive material.

Section 53, Act of June 7, 1901, P. L. 493.

130. Connections of Platforms and Treads of Urinals. The platforms or treads of urinal stalls must not be connected independently to the plumbing system, nor can they be connected to any safe waste pipe.

Section 54, Act of June 7, 1901, P. L. 493.

131. Trough Water Closets and Trough Urinals. Iron trough water closets and trough urinals must be porcelain enameled or galvanized cast iron.

Section 55, Act of June 7, 1901, P. L. 493.

132. Sufficient Water Supply for Water Closets and Fixtures. All water closets and other fixtures must be provided with a sufficient supply of water for flushing, to keep them in a proper and cleanly condition.

Section 56, Act of June 7, 1901, P. L. 493.

133. Size of Flush Pipes. Water closet flush pipes must not be less than one and one-quarter inches, and urinal flush pipes one-half inch in diameter.

Section 57, Act of June 7, 1901, P. L. 493.

134. Copper and Lead Linings of Water Closet and Urinal Systems. The copper lining of water closet and urinal cisterns must not be lighter than twelve-ounce copper, and must be stamped on lining with maker's name. Where lead is used for lining, it must not weigh less than four pounds to the square foot. All other materials are prohibited.

Section 58, Act of June 7, 1901, P. L. 493.

135. Wooden Wash Trays, Sinks and Bath Tubs Prohibited. Construction of Such Fixtures. Cement and Artificial Stone Tubs. Wooden wash trays, sinks or bath tubs are prohibited inside of buildings. Such fixtures must be constructed of non-absorbent material. Cement or artificial stone tubs will not be permitted unless approved by the board or bureau of health.

Section 59, Act of June 7, 1901, P. L. 493.

136. Yard Water Closets. Water closets when located in yard must be so arranged as to be conveniently and adequately flushed, and the water supply pipes and traps protected from freezing by being placed in a hopper pit at least four feet below the surface of the ground, the walls of which pit shall be constructed of hard-burned brick or stone, laid in cement, mortar, or of concrete. The walls for pit, where one (1) closet is installed, may be four (4) inches in thickness; or salt-glazed sewer pipe, thirty-six (36) inches in diameter, may be used.

Where pit is for more than one (1) closet, the walls shall be nine inches in thickness. The soil pipe and traps used inside pit must be extra heavy cast iron, and the trap to have hand-hole for cleanout purposes, with cleanout caulked in. If the closet is located in the rear of a soil or vent pipe, the drain on which it is located shall be vented with a four-inch pipe, carried above roof of closet, away from any opening or window. All outside closets shall be of the tank patterns. The water to be supplied to tank through an automatic seat-action valve. The waste from valve may be permitted to discharge on cement floor of pit, which shall be provided with four-inch trap and strainer. The enclosure of yard water closets shall be ventilated by slatted openings, and there shall be a trap door of sufficient size to permit of convenient access to the hopper pit.

Section 9, Act of May 14, 1909, P. L. 840, amending Section 60, Act of June 7, 1901, P. L. 493.

137. Cesspools and Privy Vaults. No privy vault, or cesspool for sewage, shall hereafter be constructed in any part of the city where

a sewer is at all accessible, which shall be determined by the department or board or bureau of health; nor shall it be lawful to continue a privy vault or cesspool on any lot, or parcel of ground abutting on or contiguous to any public sewer, within the city limits. The department or board or bureau of health shall have the power to issue notice, giving at least three months' time to discontinue the use of any cesspool and have it cleaned and filled up. No connection for any cesspool or privy vault shall be made with any sewer; nor shall any water-closet or house drain empty into a cesspool or privy vault.

Section 10, Act of May 14, 1909, P. L. 840, amending Section 61, Act of June 7, 1901, P. L. 493.

138. Location and Construction of Privies in Rural Districts. In rural districts, or districts where no sewer exists, privy vaults shall not be located within two feet of party or street line, nor within twenty feet of any building. Before any privy vault shall be constructed, application for permission therefor shall be made to the department or board or bureau of health; and such privy vault shall have nine-inch walls, constructed of hard-burned brick, or stone, laid in cement mortar, or of concrete, with bottom and sides cemented so as to be water-tight; size to be not less than four feet in diameter and six feet deep.

Section 11, Act of May 14, 1909, P. L. 840, amending Section 62, Act of June 7, 1901, P. L. 493.

139. Plumbing Material. Workmanship. All material used in the work of plumbing and drainage must be of good quality and free from defects. The work must be executed in a thorough and workmanlike manner.

Section 63, Act of June 7, 1901, P. L. 493.

140. Use of Names of Persons, Etc., in Plumbing Business. No person, firm or corporation, carrying on the business of plumbing and house drainage, shall allow his or their name to be used by any person, directly or indirectly, either to obtain a permit or permits or to do any work under his or their license.

Section 64, Act of June 7, 1901, P. L. 493.

141. Certain Terms Defined. The term "private sewer" is applied to main sewers that are not constructed by and under the supervision of the department of public works.

The term "house sewer" is applied to that part of the main drain or sewer extending from a point five feet outside of the outer wall of a building, vault or area to its connection with public sewer, private sewer or cesspool.

The term "house drain" is applied to that part of the main horizontal drain and its branches inside the walls of the building, vault or area, and extending to and connecting with the house sewer.

The term "soil pipe" is applied to any vertical line of pipe extending through the roof, receiving the discharge of one or more water closets, with or without other fixtures.

The term "waste pipe" is applied to any pipe extending through roof, receiving the discharge from any fixtures except water closets.

The term "vent pipe" is applied to any special pipe provided to ventilate the system of piping, and to prevent trap siphonage and back pressure.

Section 65, Act of June 7, 1901, P. L. 493.

142. Defective Plumbing. Procedure to Remedy. Abatement as Nuisance. Whenever it shall come to the knowledge of the department or board or bureau of health, or complaint in writing shall be made by any citizen, that the plumbing or drainage in any building has become a nuisance, or is contrary to the provisions and requirements of this act or the ordinances of the city, or is of faulty construction and liable to breed disease or endanger the health of the occupants, or upon the request of any owner or occupant, of any building fitted with plumbing or drainage prior to the passage of this act, then the department or board or bureau of health shall direct the proper officer to examine the plumbing or drainage in any such building, and the said officer shall make a drawing of the plan of said plumbing, drainage, and sewer and ventilating shaft connections. He shall report his findings, in writing, to the department or board or bureau of health, and suggest such changes as are necessary to make the same conform to the rules governing such matters.

The department or board or bureau of health shall thereupon notify the owner or agent of any such building of the changes which are necessary to be made in said plumbing or drainage. Said changes shall be made within the time fixed by the department or board or bureau of health; and, upon refusal or neglect to obey such orders, the department or board or bureau of health shall institute legal proceedings to have such changes made and said nuisance abated, by action before a justice of the peace or court of record; in which said action the owner or agent of said building may show in defense, that the plumbing or drainage was not a nuisance, or was not of faulty construction or out of repair, and, in case of a building constructed subsequent to the passage of this act, said plumbing or drainage was not contrary to the provisions and requirements of this act or the ordinances of the city.

Section 12, Act of May 14, 1909, P. L. 840, amending Section 66, Act of June 7, 1901, P. L. 493.

143. Air and Water Test of Drain, Soil, Waste, Vent and Other Pipes. When drain, soil, waste, vent, and other pipes in the build-

ing, connected or to be connected with the sewer, have been placed in position, a preliminary water or air test of the same shall be applied, in presence of an officer of the board or bureau of health.

Section 67, Act of June 7, 1901, P. L. 493.

144. Final Test of Plumbing Work. Certificate of Approval. When the work has been completed, a final notice shall be filed with the board or bureau of health, when a final air or peppermint test shall be made, in presence of said officer; when, if found satisfactory, a certificate of approval of the work will be issued, but no such plumbing or drainage work or system shall be used until said test has been made and certificate issued.

Section 68, Act of June 7, 1901, P. L. 493.

145. Plumbing Contractor to Arrange for Inspection. When work is ready for inspection the plumbing contractor shall make such arrangements as will enable the proper officer to reach all parts of the building easily and readily, and also have present the proper apparatus and appliances for making said tests, and furnish such assistance as may be necessary to a proper application of the same.

Section 69, Act of June 7, 1901, P. L. 493.

146. Disputes Over Plumbing Work, How Settled. In case of any dispute or difference of opinion existing between the department or board or bureau of health and any person, firm or corporation, as aforesaid, regarding the construction of plumbing, house drainage or cesspools, the same shall be submitted by either party to the director of the department of public safety, or the presiding officer of the department or board or bureau of health, who shall pass upon the same, and whose findings therein, after hearing, shall be final and conclusive upon all parties.

Section 13, Act of May 14, 1909, P. L. 840, amending Section 70, Act of June 7, 1901, P. L. 493.

147. Penalties. Any person or persons who shall fail to comply with any of the provisions of this act, regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage, shall be liable to a fine of not less than ten dollars (\$10.00), nor exceeding fifty dollars (\$50.00), for each and every day he or they shall engage in or work at said business, without first having obtain said certificate or license; and any person or persons who shall violate any of the rules, regulations, or requirements set forth in this act, regarding the construction, reconstruction or testing of plumbing, house drainage, or cesspools, shall be liable, for every such offense, to a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00).

All fines and penalties imposed by this act shall be recoverable, by summary proceedings, before any alderman, police magistrate, or

justice of the peace in said cities; and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed; and upon recovery thereof, all such fines and penalties shall be paid to the city treasurer thereof. In default of the payment of any fine or penalty imposed by any alderman, police magistrate, or justice of the peace, under the provisions of this act, the person or persons so offending may be committed to the jail, workhouse or other penal institution of the county in which said city is situated, for a period not exceeding thirty days.

Section 14, Act of May 14, 1909, P. L. 840, amending Section 71, Act of June 7, 1901, P. L. 493.

POLICE (PRIVATE).

(a) Citizens Only to Be Appointed. Persons Acting Without Due Authority.

1. Citizens Only to Be Appointed Policemen by Persons, Etc., Authorized to Appoint. No [sheriff of a county, mayor of a city, or other] person authorized by law to appoint special deputies, marshals or policemen in this Commonwealth to preserve the public peace and prevent or quell public disturbances, and no individuals, association, company or corporation incorporated under the laws of this State, or of any other state of the United States, and doing business in this State, shall hereafter appoint or employ as such special deputy, marshal or policeman, any person who shall not be a citizen of this Commonwealth.

Sec. 1, Act of May 29, 1893, P. L. 174.

2. Persons Acting Without Due Authority, Misdemeanor. Any person who shall in this Commonwealth without due authority pretend or hold himself out to any one as a deputy sheriff, marshal, policeman, [constable or peace officer,] shall be deemed guilty of a misdemeanor.

Sec. 2, Act of May 29, 1893, P. L. 174.

3. Penalty for Violation of Act. Any person or persons, company or association, or any person in the employ of such company or association, violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars or undergo an imprisonment not exceeding one year, or both, or either, at the discretion of the court: Provided, That if any company or association be convicted under this act it shall be sentenced to pay a fine not exceeding five thousand dollars: [Provided further, That the provisions of this act shall not be construed as applying to policemen, constables or specials appointed by municipalities for municipal purposes.]

Sec. 3, Act of May 29, 1893, P. L. 174.

(b) **Salary of Private Police.**

4. Policemen Employed by Corporations to Receive Fixed or Stipulated Salary. From and after the passage of this act all [municipalities or] corporations, employing policemen within the Commonwealth of Pennsylvania shall pay to all such policemen a fixed or stipulated salary; and that hereafter it shall not be lawful for any such policeman to charge or accept any fee or other compensation, in addition to his salary, for any service rendered or performed by him of any kind or nature whatsoever pertaining to his office or duties as a policeman, except public rewards and the legal mileage allowed for traveling expenses.

Section 1, Act of July 14, 1897, P. L. 266.

5. Constables Acting as Policemen Not to Charge or Accept Additional Fees or Compensation. Rewards and Mileage. From and after the passage of this act it shall not be lawful for any high, ward, township or other constable, who is at the same time employed as a policeman in any [city, borough or other] part of this Commonwealth to charge or accept any fee or other compensation, in addition to the salary paid to him as a policeman, for any service rendered or performed by him pertaining to his office or duties, either as a policeman or as such high, ward, or other constable, except public rewards and the legal mileage allowed to constables for traveling expenses.

Sec. 2, Act of July 14, 1897, P. L. 266.

6. Penalty for Violation of Act. Any policeman or constable employed as a policeman as aforesaid violating any of the provisions of the several sections of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars and costs, or undergo imprisonment in the jail of the proper county not exceeding thirty days, or both, at the discretion of the court.

Sec. 3, Act of July 14, 1897, P. L. 266.

(c) **Railroads.**

7. Railroad Corporations Authorized to Apply to Governor to Commission Police. Any corporation owning, or using, a railroad, in this State, may apply to the Governor to commission such persons as the said corporation may designate, to act as policemen for said corporation.

Sec. 1, Act of February 27, 1865, P. L. 225.

8. Governor May Appoint and Commission Police for Railroad Corporations. The Governor, upon such application, may appoint

such persons, or so many of them as he may deem proper, to be such policemen, and shall issue, to such person, or persons, so appointed, a commission to act as such policemen.

Sec. 2, Act of February 27, 1865, P. L. 225.

9. Oath. Powers of Railroad Police. Keepers of Jails, Lock-ups and Station Houses to Receive Persons Arrested. Every policeman, so appointed, shall, before entering upon the duties of his office, take and subscribe the oath required by the eighth article of the constitution, before the recorder of any county through which the railroad, for which such policeman is appointed, shall be located; which oath, after being duly recorded, by such recorder, shall be filed in the office of the Secretary of State, and a certified copy of such oath, made by the recorder of the proper county, shall be recorded, with the commission, in every county through, or into which the railroad, for which such policeman is appointed, may run, and in which it is intended the said policeman shall act; and such policeman, so appointed, shall severally possess and exercise all the powers of policemen of the city of Philadelphia, in the several counties, in which they shall be so authorized to act as aforesaid; and the keepers of jails, or lock-ups or station houses, in any of said counties, are required to receive all persons arrested by such policemen, for the commission of any offense against the laws of this Commonwealth, upon, or along, said railroads, or the premises of any such corporation, to be dealt with according to law.

Sec. 3, Act of February 27, 1865, P. L. 225.

The article of the present constitution which provides the oath to be administered to public officers is the seventh. The reference in this section to the eighth article is to the constitution of 1838.

10. Badge of Railroad Police. Such railroad police shall, when on duty, severally wear a metallic shield, with the words "railway police," and the name of the corporation for which appointed, inscribed thereon, and said shield shall always be worn in plain view, except when employed as detectives.

Section 4, Act of February 27, 1865, P. L. 225.

11. Compensation to Be Paid by Companies. The compensation of such police shall be paid by the companies, for which the policemen are respectively appointed, as may be agreed upon between them.

Section 5, Act of February 27, 1865, P. L. 225.

12. Method of Surrendering Authority. Whenever any corporation shall no longer require the services of any policeman, so appointed, as aforesaid, they may file a notice to that effect, under their corporate seal, attested by their secretary, in the several offices where the commission of such policeman has been recorded, which

shall be noted by the several recorders, upon the margin of the record, where such commission is recorded, and, thereupon, the power of such policeman shall cease and be determined.

Section 6, Act of February 27, 1865, P. L. 225.

(d) **Collieries, Furnaces and Rolling Mills.**

13. Act of February 27, 1865, Relative to Railroad Police Extended to Collieries, Furnaces and Rolling Mills. Discretion of Governor to Appoint or Revoke Commissions. The provisions of the act of the twenty-seventh of February, in the year of our Lord one thousand eight hundred and sixty-five, entitled "An act empowering railroad companies to employ police force," be and the same are hereby extended to embrace all corporations, firms, or individuals, owning, leasing, or being in possession of, any colliery, furnace, or rolling mill, within this Commonwealth; and that, upon the application of any such corporation, firm, or individual, the Governor may appoint and commission policemen, under the provisions of the act to which this is a supplement: Provided, That the words, "coal and iron police," shall be engraved upon the shields, to be worn by the policemen, appointed under this act, instead of the words "railway police," as provided by the act, to which this is a supplement: And provided further, That the Governor shall have power to decline to make any such appointment, sought to be made, under the provisions of this supplement, whenever the circumstances of the case, in his opinion, do not require it, and at any time, to revoke the commission of any policeman appointed hereunder.

Section 1, Act of April 11, 1866, P. L. 99, supplementing Act of February 27, 1865, P. L. 225.

The Act of February 27, 1865, herein referred to is found in Sections 7 to 12, *supra*.

(e) **Street Passenger Railways.**

14. Corporations Owning or Operating Street Passenger Railways Authorized to Apply to Local Authorities to Commission Policemen. Any corporation, chartered under the laws of this Commonwealth as a street passenger railway, and owning or operating the same in said Commonwealth, may apply to the mayor of any city on the streets of which said railway is operated, or the burgess of any borough where said railway is being operated, or any justice of the peace residing in a township through which said railway shall run or pass over, to commission such person or persons as said corporation may designate to act as private policemen for said corporation.

Section 1, Act of June 7, 1901, P. L. 508.

15. Local Authorities Authorized to Appoint and Commission Police for Street Passenger Railway Corporations. Said officials, mentioned in section one of this act, upon such application, may appoint

such persons, or so many of them as he may deem proper, to be such policemen, and shall issue to such person or persons so appointed a commission to act as such policemen.

Section 2, Act of June 7, 1901, P. L. 508.

16. Oath. Powers of Policemen. Keepers of Jails, Lock-ups and Station Houses to Receive Persons Arrested. Every policeman shall, before entering upon the duties of his office, take and subscribe the oath required by the seventh article of the Constitution, before the recorder in the county in which he was appointed; which oath, after being duly recorded by such recorder, and a certified copy of such oath, made by the recorder of the county, shall be recorded, with the commission, in the county in which such policeman was appointed, and in which it is intended such policeman shall act; and such policemen, so appointed, shall severally possess and exercise all the powers of policemen in the county in which they shall be so authorized to act, as aforesaid; and the keepers of jails and lock-ups in (and) station houses in said county are required to receive all persons arrested by such policemen for the commission of any offense against the laws of this Commonwealth upon the cars or premises of any such corporation, to be dealt with according to law.

Section 3, Act of June 7, 1901, P. L. 508.

17. Badge. Such corporation police shall, when on duty, severally wear a metallic shield, with the word "police" and the name of the railway corporation for which appointed inscribed thereon, and said shield shall always be worn in plain view, except when employed as detectives.

Section 4, Act of June 7, 1901, P. L. 508.

18. Corporation to Pay Compensation of Police. The compensation of such police shall be paid by the corporation for which the policemen are respectively appointed, as may be agreed upon between them.

Section 5, Act of June 7, 1901, P. L. 508.

19. Method of Surrendering Authority. Whenever any corporation shall no longer require the services of any policeman, as aforesaid, they may file a notice to that effect under their corporate seal, attested by their secretary, in the office where the commission of such policeman has been recorded, which shall be noted by the recorder upon the margin of the record where such commission is recorded, and thereupon the power of such policeman shall cease and be determined.

Section 6, Act of June 7, 1901, P. L. 508.

(f) **Corporations for the Prevention of Cruelty to Children and Aged Persons.**

20. Corporations for the Prevention of Cruelty to Children and Aged Persons May Apply to Governor to Commission Policemen. Any corporation so formed, as provided in the first section of this act, shall have power to apply to the Governor of the Commonwealth to commission such persons, as the said corporation may designate, to act as policemen for said corporation.

Section 2, Act of May 25, 1887, P. L. 265, No. 151.

The first section of this act of May 25, 1887, provides for the incorporation of "associations for the prevention of cruelty to children and aged persons" and the police provided for by this and sections 21, 22, 23, 24 and 25 are for such corporations.

21. Governor May Appoint and Commission Police. The Governor, upon such application, may appoint such persons, or either of them, as he may deem proper, to be such policemen, and shall issue a commission to such persons to act as such policemen.

Section 3, Act of May 25, 1887, P. L. 265, No. 151.

22. Oath. Powers of Police. Keepers of jails, Lock-ups and Station Houses to Receive Persons Arrested. Every policeman so appointed shall, before entering upon the duty of his office, take and subscribe the oath required by the seventh article of the Constitution before the recorder of the county in which said corporation is located, which oath, after being duly recorded by said recorder, shall be filed in the office of the Secretary of the Commonwealth; and such policemen, so appointed, shall severally possess and exercise all the powers of a policeman, in any county in which they may be directed by said corporation to act, and the keepers of jails, lock-ups, station houses, in any of said counties, are required to receive all persons arrested by such policemen for the commission of any offense for the cruelty of children and aged persons, and to be dealt with according to law.

Section 4, Act of May 25, 1887, P. L. 265, No. 151.

23. Secretary of Commonwealth to Issue Certificate of Appointment. Certificate to Be Evidence of Authority. It shall be the duty of the Secretary of the Commonwealth to issue a certificate showing the appointment of any such persons as policemen, as aforesaid, which certificate shall be evidence of the authority of said person to act as policeman, as aforesaid, in any of the counties of this Commonwealth.

Section 5, Act of May 25, 1887, P. L. 265, No. 151.

24. Corporation to Pay Compensation of Police. The compensation of such police shall be paid by the corporation for which the

policeman are respectively appointed, as may be agreed upon between them.

Section 6, Act of May 25, 1887, P. L. 265, No. 151.

25. When Power of Police Shall Cease and Determine. When any corporation shall no longer require the service of any policeman, so appointed as aforesaid, it may file a notice to that effect, under its common corporate seal, attested by its secretary, in the office of the Secretary of the Commonwealth, and thereupon the power of such policeman shall cease and be determined.

Section 7, Act of May 25, 1887, P. L. 265, No. 151.

(g) Associations for Charitable Purposes.

26. Governor May Appoint and Commission Police for Associations for Charitable Purposes. Whenever any incorporated or unincorporated association, heretofore or hereafter organized in this Commonwealth, for any charitable purpose, shall apply to the Governor of this Commonwealth for the appointment of any special officer, or policeman for such association, the Governor may and he is hereby empowered to appoint any person designated by such association, to act as special officer or policeman for such association, and shall issue to any person so appointed a commission to act as such special officer or policeman.

Section 1, Act of June 25, 1885, P. L. 167.

27. Oath. Powers of Police. Keepers of Jails, Lock-ups and Station Houses to Receive Persons Arrested. Every person, so appointed and commissioned by the Governor to act as such special officer or policeman, shall, before entering upon the duty of his office, take and subscribe the oath required by the seventh article of the Constitution, before the recorder of the county in which said corporation or association as aforesaid is located; which oath, after being duly recorded by said recorder, shall be filed in the office of the Secretary of the Commonwealth; and every such special officer or policeman, so appointed, commissioned and qualified, shall possess, and have the right to exercise full power to arrest, upon view, any person for the commission of any offense against the laws of this Commonwealth, when such arrest is made in the interest of the association for which such special officer, policeman, is appointed; or, upon warrant drawn by the proper officer, in any county in this Commonwealth; and keepers of jails or lock-ups or station houses or houses of detention, in any county in this Commonwealth, are required to receive all persons so arrested by any such special officer or policeman, to be dealt with according to law.

Section 1, Act of July 22, 1913, P. L. 901, amending Section 2, Act of June 25, 1885, P. L. 167.

28. Badge. Every such special officer or policeman shall, when on duty, wear a metallic shield, with the words "Special Officer," and the name of the association for which appointed, inscribed thereon.

Section 3, Act of June 25, 1885, P. L. 167.

29. Associations to Pay Compensation of Police. The compensation of such special officers or policemen shall be paid by the associations, for which they are respectively appointed, in such manner as may be agreed upon between them.

Section 4, Act of June 25, 1885, P. L. 167.

30. Method of Surrendering Authority. Whenever any such associations shall cease to require the services of any such special officer or policemen, it may file, in the office of the Secretary of the Commonwealth, and in the office or offices in which the commission of such special officer or policeman is recorded, a notice to that effect, attested by its secretary, and such notice shall be noted upon the margin of the record of the commission in the office or offices where it is recorded, and thereupon the power of such special officer or policeman shall cease and be determined.

Section 5, Act of June 25, 1885, P. L. 167.

31. Discretion of Governor to Appoint Police and to Revoke Commissions. The Governor may decline to appoint any such special officer or policeman, whenever the circumstances of the case, in his opinion, do not require the appointment to be made; and he may at any time revoke the commission of any such special officer or policeman, appointed under this act, notice of such revocation shall, however, be filed by the Governor in the office of the Secretary of the Commonwealth.

Section 6, Act of June 25, 1885, P. L. 167.

(h) Cemeteries.

32. Authorities of Organized Cemeteries May Appoint Day and Night Watchmen. Oath. To Have Power of Police. It shall be lawful for the trustees, directors or other officers of all organized cemeteries within this State, to appoint as many day and night watchmen of their grounds as they may deem expedient; and such watchmen, and also all of their superintendents, gardeners and agents, stationed on said grounds, are hereby authorized to take and subscribe before any mayor or justice of the peace in the township where such cemeteries may be situated, an oath of office, similar to the oath required by law of constables; and upon the taking of such oath, such watchmen, superintendents, gardeners and agents shall have, exercise and possess all the powers of police officers within and adjacent to said cemetery grounds; and they, and each of them, shall have power to arrest on view, all persons engaged in violating

the laws of this state in reference to the protection, care and preservation of cemeteries, and of the trees, shrubbery, structures and adornments therein, and to bring such persons so offending before a mayor or justice of the peace within such township, to be dealt with according to law.

Section 1, Act of April 9, 1873, P. L. 67, No. 45.

(i) Campmeetings.

33. Campmeeting Associations may Apply to Courts to Appoint Police. Any association of persons owning or leasing ground for the purpose of holding camp meetings for religious purposes in this state, may apply to any judge of the court of common pleas of the county within which the said grounds or premises may be situated, to appoint such person as the said associations may designate to act as policeman for said association.

Section 1, Act of March 23, 1876, P. L. 9.

34. Court Authorized to Appoint Police. The said judge, upon such application, may appoint such person, or so many of them, as he may deem proper, to be such policemen, and shall cause the fact of such appointment to be entered upon the records of the said court.

Section 2, Act of March 23, 1876, P. L. 9.

35. Oath. Every policeman so appointed shall before entering upon the duties of his office, take and subscribe the oath required by the seventh article of the constitution, before the justice of the peace nearest to the grounds where the proposed meetings are to be held, and for which the said policemen are appointed; which oath shall be filed by the said justice of the peace among his papers, and a note made upon his docket of the fact of said oath having been taken.

Section 3, Act of March 23, 1876, P. L. 9.

36. Power of Police. Keepers of Jails, Lock-Ups and Station Houses to Receive Persons Arrested. Such policemen, so appointed, shall severally possess and exercise all the powers of constables in this commonwealth, in and upon and in the vicinity of the camp ground in which they shall be authorized to act as aforesaid; and the keepers of jails or lock-ups or station houses in any of said counties, are required to receive all persons arrested by such policemen for the commission of any offence against the laws of this commonwealth, upon or near to the grounds occupied by the said association, to be dealt with according to law.

Section 4, Act of March 23, 1876, P. L. 9.

37. Power of Associations to Ordain and Publish Regulations. Power of Police to Detain Offenders Against Regulations. The said

associations shall have power to ordain and publish such regulations, not inconsistent with the constitution and laws of the state, as shall be needful to maintain the peace, good government and order, well being and security of the association; and the policemen appointed under this act shall have, when on duty upon the camp ground and premises of the association, power to enforce obedience, on such grounds and premises, to such regulations so ordained and published, and to detain offenders for a period not exceeding twelve hours, exclusive of Sunday, until they can be carried before the nearest justice of the peace, alderman or judge having jurisdiction thereof, there to be fined, bailed or committed, as the magistrate hearing the case may determine.

Section 5, Act of March 23, 1876, P. L. 9.

38. Badge. Such camp ground police shall when on duty, severally wear a metallic shield with the words "camp police" and the name of the association for which appointment inscribed thereon, and such shield shall always be worn in plain view except when employed as detectives.

Section 6, Act of March 23, 1876, P. L. 9.

39. Associations to Pay Compensation of Police. The compensation of such police shall be paid by the associations for which the policemen are respectively appointed, as may be agreed upon between them.

Section 7, Act of March 23, 1876, P. L. 9.

(j) Parks, Glens and Picnic Grounds.

40. Persons Owning and Leasing Parks, Glens and Picnic Grounds May Apply to Courts to Appoint Police. Any person or persons owning or leasing parks, glens and picnic grounds, where citizens may assemble for recreation, enjoyment or pleasure, shall have the same rights, privileges, powers, provisions and restrictions extended to them as now granted to camp meeting associations by said act, which reads as follows: "That any association of persons owning or leasing grounds for the purpose of holding camp meetings, for religious purposes in this state, may apply to any judge of the court of common pleas of the county within which the said grounds or premises may be situated, to appoint such person as the said associations may designate to act as policeman for said association."

Section 1, Act of April 17, 1878, P. L. 21, supplementing Act of March 23, 1876, P. L. 9.

41. Court Authorized to Appoint Police. The said judge, upon such application, may appoint such person, or so many of them as

he may deem proper, to be such policemen, and shall cause the fact of such appointment to be entered upon the records of said court.

Section 2, Act of April 17, 1878, P. L. 21, supplementing Act of March 23, 1876, P. L. 9.

42. Oath. Every policeman so appointed shall before entering upon the duties of his office, take and subscribe the oath required by the seventh article of the constitution, before the justice of the peace nearest the grounds where the proposed meetings are to be held and for which the said policemen are appointed, which oath shall be filed by the said justice of the peace among his papers, and a note made upon his docket of the fact of said oath having been taken.

Section 3, Act of April 17, 1878, P. L. 21, supplementing Act of March 23, 1876, P. L. 9.

43. Power of Police. Keepers of Jails, Lockups and Station Houses to Receive Persons Arrested. Such policemen, so appointed, shall severally possess and exercise all the powers of constables in this commonwealth, in and upon and in the vicinity of the camp ground in which they shall be authorized to act as aforesaid; and the keepers of jails or lock-ups or station-houses in any of said counties, are required to receive all persons arrested by such policemen for the commission of any offense against the laws of this commonwealth, upon or near to the grounds occupied by the said association, to be dealt with according to law.

Section 4, Act of April 17, 1878, P. L. 21, supplementing Act of March 23, 1876, P. L. 9.

44. Power of Associations to Ordain and Publish Regulations. Power of Police to Detain Offenders Against Regulations. The said association shall have power to ordain and publish such regulations, not inconsistent with the constitution and laws of the state, as shall be needful to maintain the peace, good government and order, well-being and security of the association; and the policemen appointed under this act shall have, when on duty upon the camp ground and premises of the association, power to enforce obedience on such grounds and premises to such regulations so ordained and published, and to detain offenders for a period of time not exceeding twelve hours, exclusive of Sunday, until they can be carried before the nearest justice of the peace, alderman or judge having jurisdiction thereof, there to be fined, bailed or committed as the magistrate hearing the case may determine.

Section 5, Act of April 17, 1878, P. L. 21, supplementing Act of March 23, 1876, P. L. 9.

45. Badge. Such camp ground police shall, when on duty, severally wear a metallic shield, with the words "camp police," and the

name of the association for which appointed inscribed thereon, and such shield shall always be worn in plain view except when employed as detectives.

Section 6, Act of April 17, 1878, P. L. 21, supplementing Act of March 23, 1876, P. L. 9.

46. Associations to Pay Compensation of Police. The compensation of such police shall be paid by the associations for which the policemen are respectively appointed as may be agreed upon between them."

Section 7, Act of April 17, 1878, P. L. 21, supplementing Act of March 23, 1876, P. L. 9.

(k) Agricultural and Horticultural Societies.

47. Agricultural and Horticultural Societies may Appoint Police. Duty and Power of Police. The board of managers or executive committee, of any agricultural or horticultural society of this State, is hereby authorized to appoint as many citizens of this State, policemen, as shall be necessary for their exhibitions, whose duty it shall be to preserve order within and around the grounds of said society; protect their property within said grounds; to eject all persons who shall be improperly within the grounds of said society, or who shall be guilty of disorderly conduct, or who shall neglect or refuse to pay the fee or observe the rules prescribed by said society; said policemen shall have the same power the time said exhibition shall continue, that a constable may have by law, in serving criminal process and making arrests, and in addition, may arrest any person for the commission of any offense, mentioned in section two.

Section 1, Act of April 26, 1883, P. L. 14, No. 13.

48. Penalty for Injuring and Destroying Property of Exhibitors, Visitors and Lessees. Any person, who shall wilfully injure, or destroy the property of exhibitors, visitors or lessees, on the fair grounds, or shall hinder or obstruct the officers and police in their duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine not less than one, or more than twenty-five dollars, or imprisonment not exceeding thirty days, at the discretion of the court before whom the offender may be tried.

Section 2, Act of April 26, 1883, P. L. 14, No. 13.

(l) Corporations for the Propagation of Fish.

49. Corporations for the Propagation of Fish may Apply to Governor to Commission Police. Any corporation, organized under the laws of this commonwealth for the preservation and propagation of

fish in this commonwealth, may apply to the governor to commission such persons as the said corporation may designate, to act as policemen for the protection of the property of such corporation.

Section 1, Act of June 10, 1881, P. L. 101.

50. Governor May Appoint and Commission Police. The governor, upon such application, may appoint such persons, or so many of them as he may deem proper, to be such policemen, and shall issue to such person or persons so appointed a commission to act as such policemen.

Section 2, Act of June 10, 1881, P. L. 101.

51. Oath. Powers of Police. Keepers of Jails, Lock-Ups and Station Houses to Receive Persons Arrested. Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe the oath required by the eighth article of the constitution, before the recorder of the county in which the property of said corporation may be situated, which oath, after being duly recorded by such recorder, shall be filed in the office of the secretary of state, and a certified copy of such oath, made by the recorder of the county, shall be recorded with the commission in the county in which the property of such corporation, for which such policeman is appointed, may be situated and in which it is intended said policeman shall act; and such policemen so appointed shall severally possess and exercise all the powers of policemen in the county in which they shall be so authorized to act as aforesaid, and the keepers of jails and lock-ups or station houses in said county are required to receive all persons arrested by such policemen for the commission of any offense against the laws of this commonwealth upon the premises of any such corporation, to be dealt with according to law.

Section 3, Act of June 10, 1881, P. L. 101.

The eighth article of the constitution herein referred to is error. It should be the seventh.

52. Badge. Such corporation police shall, when on duty, severally wear a metallic shield with the word "police" and the name of the corporation for which appointed, inscribed thereon, and said shield shall always be worn in plain view except when employed as detectives.

Section 4, Act of June 10, 1881, P. L. 101.

53. Corporation to Pay Compensation of Police. The compensation of such police shall be paid by the corporation for which the policemen are respectively appointed, as may be agreed upon between them.

Section 5, Act of June 10, 1881, P. L. 101.

54. Method of Surrendering Authority. Whenever any corporation shall no longer require the services of any policeman as aforesaid,

they may file a notice to that effect under their corporate seal, attested by their secretary, in the office where the commission of such policeman has been recorded, which shall be noted by the recorder upon the margin of the record where such commission is recorded, and thereupon the power of such policeman shall cease and be determined.

Section 6, Act of June 10, 1881, P. L. 101.

(m) Persons Owning and Occupying Real Estate. Night Watchmen.

55. Persons Owning and Occupying Real Estate may Apply to Courts for Approval of Employment of Night Watchmen. To Have Powers of Constables and Police. Not to Serve Subpoenas. Certain Applications to be Made to City Departments of Public Safety. That it shall be lawful for any number of persons owning or occupying real estate in any city, borough or township of this Commonwealth upon application to, and with the approval of the court of quarter sessions of the proper county, to employ a night watchman or night watchmen for the purpose of protecting their premises and property in the night time, and all persons so appointed, with the approval aforesaid, as night watchman shall have, exercise and enjoy all the rights, powers and privileges now vested by law in constables or police officers duly elected or appointed in said cities or boroughs: Provided, however, That such night watchmen shall not exercise the power of serving subpoenas or any civil or other process: Provided, That in any city having a Department of Public Safety, all such applications shall be made to and granted by the Director of said department under such rules and regulations as may be adopted by said department.

Section 1, Act of June 26, 1895, P. L. 333.

(n) Volunteer Police During Times of War.

56. Reasons for Passage of Act. Whereas, There exists an urgent need, during the time this Nation is at war, to immediately take steps to organize within this Commonwealth an efficient volunteer police force to prevent injury and destruction to the various industries of the Commonwealth by enemies of the Nation, and to suppress riots and tumults, and to preserve the public peace and safety; therefore:—

Whereas Clause, Act of July 18, 1917, P. L. 1062.

57. Governor Upon Application Authorized to Appoint and Commission Police During Times of War. To Serve Without Pay. To be Subject in Certain Cases to Local Police Authorities. Governor May Designate Persons to Advise and Direct Police in Certain Cases. Upon application to the Governor of the Commonwealth, the said

Governor is hereby authorized, immediately after the passage of this act, and at any time during the continuance of the present war with Germany, or in any war in which this Nation may become involved, to appoint and commission such number of volunteer police officers, to serve without pay, in the several counties, as may be deemed necessary. In all cities, boroughs and townships where there is a duly constituted police department or police commission, such volunteer police officers shall be under, and subject to, the authority and direction of such department or commission. In all other cases the said Governor shall designate and appoint such officials, or official person or persons, to advise and direct the said police officers and services to be by them performed.

Section 1, Act of July 18, 1917, P. L. 1062.

58. Oath. All police officers so appointed shall take and subscribe the oath provided by article seven of the Constitution. Such oath shall be administered by an officer duly authorized to administer oaths, and shall be filed, together with the certificate of appointment, in the office of the recorder of deeds.

Section 2, Act of July 18, 1917, P. L. 1062.

59. Powers of Police. The police officers, when so appointed and qualified, shall have and possess all the powers of police officers of the several cities, boroughs and townships of the Commonwealth, and are authorized to arrest upon view, with or without warrant, any person apprehended in the commission of any offense against the laws of the Commonwealth or of the United States.

Section 3, Act of July 18, 1917, P. L. 1062.

60. Organization and Discipline. Purpose for Which Police may be Used. The police officers herein provided for shall be organized and disciplined especially for the purpose of the suppression of riots and tumults, and to preserve the public peace and safety; and shall be used whenever necessary to guard, protect, and preserve from injury and destruction by enemies of the Nation in the present war with Germany, or in any war in which this Nation may become involved, all railroads, railways, mines, oil-wells, chemical plants, light-, heat-, and power-plants, water-works and plants, iron-works, steel-plants, ammunition-plants, manufacturing plants, and all other industries, as well as all public works and public buildings.

Section 4, Act of July 18, 1917, P. L. 1062.

SEXTONS.

See Physicians and Surgeons.

(c) Communicable Diseases, Sections 43, 47.

(h) Vital Statistics, Sections 67, 78.

SURVEYORS.

1. Reasons for Passage of Act. Whereas, It is known that on account of the variation of the magnetic needle from the true pole of the earth, much difficulty and inconvenience exist in ascertaining and tracing the lines of old surveys:

And whereas, It is also known that surveyors' chains, by being worn, are lengthened beyond the true measure, so that but few surveyors of a county have chains of equal length, nor have they equal or standard measures to make their chains of equal length, and thus rendering uncertain the true boundaries of many tracts of land where the former land marks have been obliterated or removed; and inasmuch as it is believed that by establishing true meridian lines, and having standard measures for two or four-pole chains in every county of this commonwealth, and having a proper regard to them in making future surveys, much of such difficulty may be avoided; therefore,

Preamble to Act of April 26, 1850, P. L. 595.

2. County Commissioners to Establish Meridian Line and Standard Measure of a Chain. The county commissioners of the several counties of this commonwealth are hereby authorized and directed, within two years from and after the passage of this act, to cause to be marked and established, on some inalienable property belonging to the county, or on such property as the commissioners of the county may hereafter acquire for that purpose, at or near the seat of justice of the several counties, a true meridian line, and a fixed standard measure of a two or four-pole chain, agreeing with and made after the measure of the standard yard now in the office of the secretary of the commonwealth; and the cost whereof to be paid out of the respective county treasuries.

Section 1, Act of April 26, 1850, P. L. 595.

3. Commissioners to Give Public Notice. Surveyors to Adjust Compasses and Chains. Duty of Surveyors in Returns of and Writings Concerning Surveys. When the said true meridian lines, and the measures of the said standard two or four-pole chain, shall have been so marked and established as aforesaid, the said county commissioners shall give public notice thereof, in one or more newspapers of their respective counties, or otherwise, for at least three successive weeks; and it shall be the duty of every land surveyor in this commonwealth, after such notice has been given as aforesaid, in the month of April in each year, to adjust and verify his compass by one of the said meridian lines, and to ascertain the variation of its needle from the true meridian, and his chain by one of the said measures of the said standard two or four-pole chain; and the said surveyors shall thereafter, in all their returns of surveys, or writings

concerning surveys of land and lines run by the compass, note the bearings or courses of such surveys and lines, so as to show the true, and not the magnetic bearing, together with the date of such survey or tracing of lines.

Section 2, Act of April 26, 1850, P. L. 595.

4. Penalty for Failure to Comply with Act. Any surveyor, after notice given as required by the provisions of this act, who shall neglect or refuse to comply with the requirements of this act, by making any survey with an unadjusted compass or chain, he shall, for every such neglect or refusal, pay the sum of ten dollars, on complaint made by any person interested in such survey, before the justice of the peace nearest to the tract or lot of land so surveyed, to be recovered as debts of like amount are by law recoverable; the one-half thereof to the person making the complaint, and the other half to the treasurer of the school district in which such survey is made, for the use of said district.

Section 3, Act of April 26, 1850, P. L. 595.

5. County Commissioners to Procure Book. Records to be Entered Therein by Surveyors. It shall be the duty of the commissioners of the several counties aforesaid to procure a book to be kept in their office; and every surveyor, on having adjusted his chain and compass as aforesaid, shall enter therein the variation of his compass from the true meridian, whether east or west, and the day on which he adjusted his chain and compass, and shall subscribe his name thereto, for future reference.

Section 4, Act of April 26, 1850, P. L. 595.

TAXIDERMISTS.

1. Persons Practicing Taxidermy to Secure Certificate from Board of Game Commissioners. Any person desiring to practice taxidermy for profit shall, before beginning such practice, secure from the secretary of the Board of Game Commissioners a certificate authorizing him to act thus; and the possession of such certificate shall authorize such person to receive from any person the skin, or any part thereof, of any bird or animal that has been either legally or accidentally killed, and to tan or cure or mount the same, either himself or through any legitimate employe, for wages or hire; but no taxidermist or other person shall remove out of the commonwealth, or permit such removal out of the Commonwealth, or sell such mounted specimen, before written permission to so do has been procured from the president of the Board of Game Commissioners.

Proof of the fact that any person shall attempt to practice taxidermy for profit, or shall collect or attempt to collect either wild birds of the Commonwealth or the nests or the eggs of such birds protected by the laws of this Commonwealth, without first securing

the license required by this act, shall render such person liable to a penalty of twenty-five dollars for each offense, and, in addition to the fines and penalties imposed by the laws of this Commonwealth for the taking or killing during the close season of such bird or animal as may be found in his possession, or the interfering with birds' nests, as the case may be.

The holder of a certificate authorizing the practice of taxidermy shall be required, before a second or any other certificate shall be issued to him, to file with the secretary of the Board of Game Commissioners, at Harrisburg, an itemized statement in writing under oath, of all skins or parts thereof of either wild birds or animals, either mounted by himself or under his direction, or sold by him under the provisions of this act, with the name and place of residence of the persons from whom the same were received, and to whom such specimens were sold. He shall also answer truthfully and without evasion any question relative to the ownership of any specimen of bird or animal found in his possession or under his control, or that has passed through his hands, killed in this Commonwealth by any person other than himself, that may be asked him by an officer or representative of the said Board of Game Commissioners. A failure to so report or to answer the questions asked under the provisions of this section, shall be considered a just cause for refusal upon the part of the Board of Game Commissioners to renew the certificate of any taxidermist.

The petition necessary to the securing of such certificate shall be accompanied by the written statement of at least two well-known citizens of the community in which said applicant may reside, certifying to the good character and fitness of said applicant to be entrusted with said authority, and such applicant shall pay to the secretary of said board the sum of one dollar for such certificate.

Section 6, Act of June 7, 1917, P. L. 572.

TELEGRAPH AND TELEPHONE OPERATORS.

1. Telegraph Companies Required to Forward Messages Offered. Fee to be Offered by Sender. Penalty for Failure to Transmit Messages. Service of Notice. The various telegraph companies within the limits of this State, be required to forward and receive over their lines, all messages that may be offered for transmission, by individuals or incorporated companies: Provided, The parties offering such messages or despatches, tender for the transmission thereof, the amount of the usual fee for such transmission; and in case of a refusal or neglect on the part of any of the agents of the telegraph lines in this state, to send or receive in their regular order, except as hereinbefore excepted, such messages or despatches by telegraph, the company shall be liable to a fine of one hundred dollars for each and

every message so refused or neglected, to be sued for and recovered before any justice of the peace of this commonwealth, as debts of like amount are recovered, the one half of said fine to go to the state, and the other half to the party suing for the same: And provided further, That in any suit to be brought for the recovery of said fine, notice served on the president, director, agent, or either of them, shall be sufficient.

Section 15, Act of March 29, 1849, P. L. 263.

2. Original Telegraph Messages to be Preserved. Presentation as Evidence. Confidential Communications. It shall be the duty of all [owners, superintendents and] operators, to preserve the originals of all messages sent from such office other than those intended for publication, for at least three years, and to produce the same in evidence whensoever duly subpoenaed to do so by the individual or individuals, or counsel of the individual or individuals sending or receiving a copy of such messages, in any court of justice, or before any committee of the legislature, and where the same shall be decided by such court or committee to be material to any issue or matter there to be tried or determined, under the like penalty as in other cases: Provided, That the confidential communications between attorney and client, so transmitted, shall in no case be divulged.

Section 2, Act of May 8, 1855, P. L. 531.

3. Contents of Telegraph and Telephone Dispatches not to be Revealed. It shall not be lawful for any person connected with any line of telegraph or telephone within this State, [whether] as [superintendent,] operator, [or in any capacity whatsoever,] to use or cause to be used, or make known or cause to be made known, the contents of any dispatch, of whatsoever nature, which may be sent or received over any line of telegraph or telephone in this State, without the consent or direction of either the party sending or receiving the same; and all dispatches which may be filed at any office in this State for transmission to any point, shall be so transmitted without being made public or their purport in any manner divulged at any intermediate point, on any pretense whatever; and in all respects the same inviolable secrecy, safe-keeping and conveyance shall be maintained by the officers and agents employed on the several telegraph and telephone lines in this State, in relation to all dispatches which may be sent or received, as is now enjoined by the laws of the United States in reference to the ordinary mail service: Provided, That nothing in this act contained shall be so construed as to prevent the publication at any point of any dispatch of a public nature, which may be sent by any person or persons with a view to general publicity.

Section 1, Act of July 10, 1901, P. L. 651, No. 330.

See Section 7, Act of April 14, 1851, P. L. 612, which reads the same as this section, but is confined to telegraph companies only.

4. Penalty for Revealing Contents of Telegraph and Telephone Dispatches. In case any [person, superintendent,] operator, [or who may in any other capacity be] connected with any telegraph or telephone line in this State, shall use or cause to be used, or make known or cause to be known, the contents of any dispatch sent from or received at any office in this State, or in anywise unlawfully expose another's business or secrets, such person shall be deemed guilty of a misdemeanor, and upon being duly convicted thereof shall, for every such offense, be subject to a fine of not less than one hundred dollars, or imprisonment not exceeding six months, or both or either in the discretion of the court.

Section 2, Act of July 10, 1901, P. L. 651, No. 330.

The first two lines of this section do not read clearly.

5. Penalty for Revealing Contents of Telegraph Dispatches. If any [superintendent,] operator [or other person,] who may be engaged in any telegraph line, shall use, or cause to be used, or make known, or cause to be made known, the contents of any dispatch, or any part thereof, sent from or received at any telegraph office in this commonwealth, or in anywise unlawfully expose another's business or secret, or in anywise impair the value of any correspondence so sent or received, such person shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment not exceeding six months, or both, or either, at the discretion of the court.

Section 72, Act of March 31, 1860, P. L. 382.

6. Telegraph Operators to be Exempt from Militia and Jury Duty. From and after the passage of this act, the operators, assistant operators, [clerks, and other persons,] in the employ of the different telegraph companies in the state of Pennsylvania, while doing duty in the offices of said companies, or along the routes of their telegraph lines, shall be exempt from militia duties and serving on juries, and from any fine or penalty for neglect thereof.

Section 1, Act of April 8, 1862, P. L. 325, No. 340.

TELEPHONE OPERATORS.

See Telegraph and Telephone Operators.

UNDERTAKERS.

(a) State Board of Undertakers.

1. State Board of Undertakers to be Appointed. That the Governor, by and with the advice and consent of the Senate, shall, as soon as practicable after the passage of this act, appoint five persons who shall be practicing undertakers, and such appointees shall con-

stitute a State Board of Undertakers ; one of the persons so appointed shall hold office for one year, one for two years, one for three years, et cetera, et cetera, unless sooner removed ; appointments to fill vacancies caused by death, resignation or removal before the expiration of terms shall be made for the residue of such terms by the Governor, subject to the consent of the Senate ; and all appointments to fill vacancies caused by expiration of terms shall be made in the same manner, and shall be for a period of three years each.

Section 1, Act of June 7, 1895, P. L. 167.

This Act is a legitimate exercise of the police power and is constitutional: *Com. v. Hanley*, 15 Sup. Ct. 271.

2. Members of Board to Take Oath. Officers of Board. Rules and Regulations. The members of said board, before entering upon their duties, shall respectively take and subscribe the oath required by other State officers, which shall be filed in the office of Secretary of the Commonwealth, who is hereby authorized to administer the same. They shall have power to elect out of their own number a president, secretary and treasurer, and adopt such regulations for the transaction of the business of the board and the management of its affairs as they may deem expedient.

Section 2, Act of June 7, 1895, P. L. 167.

3. Salary of Secretary. Expenses of Members of Board. The members of the said board shall receive no salary as such, except the secretary who shall receive a salary of five hundred dollars per annum, which, together with the actual traveling and necessary expenses of the board and its members, shall be paid out of the receipts as hereinafter directed.

Section 3, Act of June 7, 1895, P. L. 167.

4. Meetings of Board. Quorum. Said board shall meet at least once every year, and may also hold special meetings as frequently as the proper and efficient discharge of its duties shall require, at a time and place to be fixed by the rules and by-laws of the board, and the rules and by-laws of the board shall provide for the giving of timely notice of all meetings to every member of the board. A majority of the members shall, at any meeting, organize and constitute a quorum for the transaction of business.

Section 4, Act of June 7, 1895, P. L. 167.

5. Undertakers Engaged in Business to be Registered. Transcript of Registration to be Evidence. Seal of Board. Undertakers in Cities. It shall be the duty of any person, persons or corporation engaged in the business of undertaking, care, preparation, disposition, and burial of the dead, at the time of the passage of this act, unless heretofore registered, to cause, within one year, after the passage of this act, his, her, their, or its name or names, residence and place of

business, to be registered with said board, whose secretary shall keep a book for the purpose, and enter such registration therein upon the payment of a fee of ten dollars, and a transcript from said book, certified to by the secretary, with the common seal of said board, shall be evidence in any court of this State; and said board is hereby authorized to adopt and use a common seal, and issue such certificates: Provided however, That nothing in this act, as amended, shall be construed so as to allow any person or persons in cities of the first, second, and third class to register without an examination, who have not previously complied with the existing laws.

Section 1, Act of April 24, 1905, P. L. 299, amending Section 5, Act of June 7, 1895, P. L. 167.

The place of business and not the residence of the applicant is the test of licensure: Opinion of Deputy Atty. Gen. Elkin, Atty. Gen. Rep. 1895-96, p. 119, 181.

6. Licensing of Undertakers About to Engage in Business. Examinations. License Fee. Revocation of Licenses. Licensees to Register with Health Authorities. Before any person, persons or corporation shall hereafter engage in the business of undertaking, or the care, preparation, disposition, and the burial of the bodies of deceased persons, in their own name and on their own account, in this Commonwealth, and before any person, persons, or corporations now so engaged in said business, who shall have failed to register with said board in accordance with section five of this act, shall continue in said business, such person or persons, or person comprising or representing such corporations, shall apply to said board for a license to practice the same, and shall accompany such application with a fee of ten dollars; whereupon the applicant, as aforesaid, shall present himself or herself before said board, at a time and place to be fixed by said board. If the board shall find, upon due examination, that the applicant or applicants are of good moral character, possessed of skill and knowledge of the said business of undertaking, and have a reasonable knowledge of sanitation, preservation of the dead, disinfecting the body of deceased persons, the apartment, clothing and bedding in cases of death from infection or contagious diseases, and have had practical experience in the business of undertaking, for two years continuously, with an undertaker or undertakers, the board shall issue to said applicant or applicants, upon payment of a fee of twenty-five dollars, a license to practice said business of undertaking, and shall register such applicants or applicant as duly licensed undertakers.

Said board shall have full power, at any time, to revoke any licenses theretofore granted, on proper cause and after full hearing of all the parties in interest.

Such license shall be signed by a majority of the board, and attested by its seal. All persons receiving such license, who shall

register before said board as provided in section five of this act, shall also register the fact at the office of the board of health at the city, or at the office of the board of health nearest to the place, in which it is proposed to carry on said business; and any person, persons, or corporation, obtaining a license under this section, shall register that fact at the office of the board of health of the city, or at the office of the board of health nearest to the place in which it is proposed to carry on said business; and shall display said license in a conspicuous place in the office of the place of such licensee.

Section 2, Act of April 24, 1905, P. L. 299, amending Section 6, Act of June 7, 1895, P. L. 167.

Every stockholder in a corporation need not be licensed; but should a stockholder or other person in any way undertake to represent the corporation or participate in the performance of its business functions, such person should obtain the necessary license: Undertakers Signs, 32 Pa. C. C. 510.

The administratrix of a deceased licensed undertaker may continue the business by passing an examination for a license, or by employing an undertaker who has been duly licensed: Opinion of Deputy Attorney General Trinkle, Atty. Gen. Rep. 1911-12, p. 373.

7. Penalty. Act not to Apply to Certain Persons. Any person, persons, corporation or member thereof who shall practice or hold himself, herself, themselves or itself out as practicing the business of undertaking or the care, preparation, disposition and burial of the bodies of deceased persons without having complied with the provisions of sections five and six of this act, shall be guilty of a misdemeanor, and upon conviction thereof, before any court, shall be sentenced to pay a fine of not less than fifty dollars or more than five hundred dollars, or undergo an imprisonment not exceeding one year, or both, at discretion of the court, for each and every offense: Provided, That nothing contained in this act shall be construed to apply to bona fide employes of a duly licensed or registered undertaker, or to persons engaged simply as layers out or shrouders of the dead, or to the employes of any cemetery whose duties or business extends no further.

Section 7, Act of June 7, 1895, P. L. 167.

As to who is exempted from licensure by the proviso to this section see Undertakers Signs, 32 Pa. C. C. 510.

If a licensed undertaker displays on his sign or in his advertisement the name of an unlicensed employe or agent, he is giving the impression to the public that the unlicensed employe is practicing the business of undertaking, and hence such display is illegal and constitutes a misdemeanor within the meaning of this act: Undertakers Signs, 32 Pa. C. C. 510.

8. Licenses not Assignable or Transferable. Place of Business to be Specified. No license granted or issued under the provisions of this act shall be assignable or transferable, and every such license

shall specify by name the person, persons or corporations to whom it is issued, and shall designate the particular place or places at which the business shall be carried on.

Section 8, Act of June 7, 1895, P. L. 167.

A license granted under this section cannot be transferred to or used by a stock company of which the licensee becomes a member: Undertakers Licenses, 27 Pa. C. C. 89.

9. Fees to be Used for Expenses of Board. All fees collected and all fines paid under the provisions of this act shall go to and be used for the purpose of the said Board of Undertakers to defray its necessary expenses.

Section 9, Act of June 7, 1895, P. L. 167.

10. Board to Report to Governor Annually. Surplus to be Paid into State Treasury. It shall be the duty of said board on or before the first Monday of January of each and every year, to make a report in writing to the Governor of this State, containing a detailed statement of the nature of the receipts and the manner of expenditures, and any balance of money remaining at the end of the year after the payment of the necessary expenses, including the salary of the secretary and the traveling and other necessary expenses of the members of the board incurred in the discharge of their duties as such, shall be reserved by the treasurer of said board to meet the necessary expenses of ensuing years.

Section 10, Act of June 7, 1895, P. L. 167.

(b) Communicable Diseases.

See Physicians and Surgeons, Sections 40, 41, 42, 43, 44, 45, 47.

(c) Vital Statistics.

See Physicians and Surgeons, Sections 61, 62, 63, 64, 65, 66, 67, 72, 75, 78.

(d) Crematories.

See Physicians and Surgeons, Sections 81, 82, 83.

(e) Cities of the Third Class Authorized to License.

11. Cities of the Third Class Authorized to Collect Annual License Taxes on Undertakers. Every city of the third class in its corporate capacity is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this and other acts:—

4. To levy and collect a license tax, not exceeding one hundred dollars each, annually, on all * * * * * undertakers, * * * * * and to regulate the collection of the same.

Part of Section 3, Act of June 27, 1913, P. L. 568, No. 367.

VENDERS.

See Hawkers and Peddlers.

VETERINARIANS.

(a) State Board of Veterinary Medical Examiners.

1. Definition of Certain Words. As used in this act,—

1. The word "Board" means the State Board of Veterinary Medical Examiners created by this act.

2. The term "Veterinary schools" means any veterinary school, or any college or any department of a university, maintaining a proper veterinary medical standard, and legally incorporated. The term "veterinary medicine" includes veterinary medicine, veterinary surgery, and veterinary dentistry, or any branch thereof.

4. "Veterinarian" includes a veterinary physician, or veterinary surgeon, or veterinary dentist.

5. A standard high school unit represents a year's study in any subject in a secondary school, consisting of four or five periods of from forty to sixty minutes in length each week, for thirty-six or forty weeks.

Section 1, Act of May 5, 1915, P. L. 248.

2. **State Board of Veterinary Medical Examiners Established.** A State Board of Veterinary Medical Examiners is hereby established. The Board shall consist of five members appointed by the Governor, and shall have power to adopt by-laws and regulations necessary to carry into effect the provisions of this act.

Section 2, Act of May 5, 1915, P. L. 248.

3. **Qualifications of Members of Board.** The members of the Board shall be of good standing in the veterinary profession, and shall be graduates of a legally incorporated and reputable veterinary school. They shall have practiced veterinary medicine for at least the five years immediately preceding their appointment.

Section 3, Act of May 5, 1915, P. L. 248.

4. **Terms of Members of Board.** The members of the Board shall serve for a term of four years from the first Monday of September after their appointment, and shall hold office until their successors are appointed and duly qualified. Those first appointed shall serve as follows: Two for two years, and three for four years, from the first Monday in September, one thousand nine hundred fifteen. In such first appointment the Governor shall designate the respective term.

Section 4, Act of May 5, 1915, P. L. 248.

5. Vacancies. Removals. The Governor shall fill a vacancy in the Board by an appointment for the unexpired term. He may remove any member of the Board for continued neglect of the duties required by this act, for incompetency, or for unprofessional or dishonorable conduct.

Section 5, Act of May 5, 1915, P. L. 248.

6. Certificate of Appointment. Every person who shall be appointed to serve on the Board shall receive from the Secretary of the Commonwealth a certificate of appointment.

Section 6, Act of May 5, 1915, P. L. 248.

7. Compensation and Expenses of Members of Board. From the fees provided by this act the Board may pay all proper expenses incurred by its provisions. If any surplus above the expenses shall remain, each member of the Board shall receive a reasonable compensation for his services for each day during the sessions of the Board, and his expenses actually and necessarily incurred in the performance of his duties.

Section 7, Act of May 5, 1915, P. L. 248.

8. First Meeting of Board. The first meeting of the Board shall be held on the first Monday in September, one thousand nine hundred fifteen. Suitable notice of this meeting, in the usual form, shall be given by the Secretary of the Commonwealth to each of the members, specifying the time and place of meeting, together with the notice of the appointment.

Section 8, Act of May 5, 1915, P. L. 248.

9. First Election of Officers. At the first meeting of the Board an organization shall be effected by the election from the members of a president, a secretary, and a treasurer.

Section 9, Act of May 5, 1915, P. L. 248.

10. Meetings for Examinations. Notice. Examining Committee. Stated Meetings. Quorum. The Board, for the purpose of examining applicants for license, shall hold two or more stated or special meetings in each year. Due notice of these meetings shall be made public at such time and places as the Board may determine. The Board may authorize a committee of one or more members to conduct the examinations. The Board may hold such other meetings as the business of the Board may require. At any meeting of the Board a majority of the members shall constitute a quorum.

Section 10, Act of May 5, 1915, P. L. 248.

11. Persons Eligible to Practice as Veterinarians. Use of Title. Hereafter no person shall practice veterinary medicine, or assume or use the title of veterinarian, or the title of doctor of veterinary medicine, unless he shall—

1. Have been a registered and licensed veterinarian prior to the approval of this act; or,

2. Be registered and licensed in accordance with this act.

Any person registered and licensed heretofore may be recorded as an "existing practitioner."

Nothing in this act shall prevent any veterinarian, if legally qualified to use a title, from using such title; but if such veterinarian opens an office or uses the title for the transaction of business, he shall be deemed a "sojourner," and shall conform to the requirements of this act.

Section 11, Act of May 5, 1915, P. L. 248.

This Act applies alike to the practice of veterinary medicine, veterinary surgery and veterinary dentistry: Veterinary Medicine, 24 D. R. 1117.

12. Licensing of Persons Qualified Prior to Passage of Act.— Any person who at the time of the passage of this act shall be legally licensed to practice veterinary medicine shall be entitled to receive a license to continue such practice upon making application to the Board and paying proper fee and conforming to its requirements.

Section 12, Act of May 5, 1915, P. L. 248.

Any person who was legally engaged in the practice of the castration of domestic animals prior to the passage of this act is entitled to receive a license to continue such practice under this act upon making the proper application and paying the fee: Veterinary Medicine, 24 D. R. 1117.

13. Applications to Board. Proofs. Any person not heretofore authorized to practice veterinary medicine, and desiring to practice, may deliver to the secretary of the Board, upon the payment of a fee of ten dollars, a written application for license. The application shall be accompanied by satisfactory proof that the applicant: (a) Is twenty-one years of age or upwards, (b) is of good moral character; (c) possesses a certificate from the Bureau of Professional Education of Pennsylvania, certifying that the applicant has received a preliminary education covering at least fifteen standard high school units, or their equivalent; (d) has received a diploma conferring the degree of doctor of veterinary medicine, or its equivalent, from some legally incorporated and reputable veterinary school of the United States, or a diploma or license conferring the full right to practice all the branches of veterinary medicine in some foreign country; (e) and any other requirements that the Board may deem just and advisable. Such proof shall be made, if required, upon affidavit.

The provisions of clause (c) in this section shall not apply to any person who, prior to the first day of June, one thousand nine hundred fifteen, shall have in good faith registered as a student in, and on said date is in regular attendance at, a reputable veterinary school.

Section 13, Act of May 5, 1915, P. L. 248.

14. Education of Those Who Received Degrees Since July 1, 1896. Persons applying for license, who have received their degrees in veterinary medicine after the first day of July, one thousand eight hundred and ninety-six, must have pursued the study of veterinary medicine for at least three years, including three regular courses of lectures of at least six months each, in different years, in some reputable veterinary school or schools, prior to the granting of the diploma or license. Such proof shall be made, if required, upon affidavit.

Section 14, Act of May 5, 1915, P. L. 248.

15. Order for Examination. Upon paying the required fee and exhibiting the required proof, the Board, if satisfied, shall issue to the applicant for the license an order for examination.

Section 15, Act of May 5, 1915, P. L. 248.

16. Subject of Examination. Every applicant for a license shall submit to a theoretical and practical examination. The examination may be written or oral, or both, and shall include the following subjects: Veterinary anatomy, surgery, practice of medicine, obstetrics, pathology, chemistry, veterinary, diagnosis, materia medica, therapeutics, physiology, animal husbandry, sanitary medicine, and meat and milk hygiene, and bacteriology.

Section 16, Act of May 5, 1915, P. L. 248.

17. Successful Applicants to Receive License. Form of License. Recording of License. The Board shall issue to every applicant who has successfully passed the required examination, and who shall have been adjudged to be duly qualified for the practice of veterinary medicine, a license to practice. The license shall be subscribed by the officers of the Board and shall have affixed to it by the proper person the seal of the Commonwealth. The license, before issued, shall be recorded in a book to be kept in the office which the board shall establish for the purpose of carrying out the provisions of this act. The number of the book, and the page therein containing the recorded copy of the license, shall be noted upon the face of the license. These records shall be open to public inspection, with proper restrictions as to their preservation.

Section 17, Act of May 5, 1915, P. L. 248.

18. Reexaminations. In case of failure at any examination, the candidate, after the expiration of six months and within two years, shall have the privilege of a second examination by the Board without the payment of an additional fee.

Section 18, Act of May 5, 1915, P. L. 248.

19. Reciprocity with Other States. Persons examined and licensed by State Board of Veterinary Medical Examiners or analogous bodies of other States, on payment of a fee of ten dollars to the Board, and

on filing in the office of the Board a copy of the license, certified by the affidavit of the president or secretary of the Board of such other State, and showing that the standard of examinations and other requirements adopted by that State board of veterinary medical examiners is substantially the same as that provided for by this act, may, without further examination, receive a license to practice veterinary medicine in Pennsylvania.

Section 19, Act of May 5, 1915, P. L. 248.

20. Registration Book. The Board shall keep in its office a book of registration, in which shall be registered the name and address of each and every person duly qualified under existing laws or who may hereafter become qualified, to conduct the practice of veterinary medicine.

Section 20, Act of May 5, 1915, P. L. 248.

21. Annual Registration. Each person now qualified and engaged in the practice of veterinary medicine, or who shall hereafter be licensed by the Board to engage in such practice, shall register with the Board annually, before the first day of January of each year. The form and method of such registration shall be regulated by the Board in such manner as will enable the Board to carry into effect the purpose of this act.

Section 21, Act of May 5, 1915, P. L. 248.

22. Fee for Annual Registration. The Board shall demand and receive for each annual registration, and for the certificate hereinafter provided, a fee not to exceed three dollars (\$3.00), which fee shall accompany the application for such registration.

Section 22, Act of May 5, 1915, P. L. 248.

23. Board to Furnish Certificate of Registration. To Constitute Evidence of Registration. Registration Book to Constitute Record. Upon receiving a proper application for registration, accompanied by the required fee, the Board may issue its certificate of registration to the applicant, upon which shall be noted the number of the book and the page therein containing the record of such registration. The certificate and its renewals shall be good and sufficient evidence of registration under the provisions of this act. The books of registration shall constitute a part of the records of the Board.

Section 23, Act of May 5, 1915, P. L. 248.

24. Penalty. Board or Its Agents to be Prosecutor. Fines and Penalties for Use of Commonwealth. Any person who shall present to the Board a veterinary diploma which has been obtained fraudulently, or which is in whole or in part a forgery, or shall make affidavit to any false statement which statement is to be filed with the Board, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor, and, on

conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars for the first offense, and of not more than five hundred dollars for each subsequent offense. The Board or its legally authorized agent, acting for the Commonwealth of Pennsylvania, shall be the prosecutor in all such cases. All fines and penalties for violation of this act shall be for the use of the Commonwealth, and shall be paid to the Board or its duly authorized agent, and by the Board paid into the State Treasury.

Section 24, Act of May 5, 1915, P. L. 248.

Under this section the Board may appoint agents to carry on prosecutions under the Act: Veterinary Medicine, 24 D. R. 1117.

25. To Whom Act Shall Not Apply. This act is not intended to interfere with or punish commissioned veterinarians in the United States Army, or any lawfully qualified veterinarian residing in other States or countries, meeting registered veterinarians of this State in consultation; or any veterinarian residing on the border of a neighboring State and duly authorized under the laws thereof to practice veterinary medicine therein, whose practice extends into the limits of this State, and who does not open an office or appoint a place to meet patients or receive calls within the limits of this State.

Section 25, Act of May 5, 1915, P. L. 248.

26. When Act to Take Effect. This act shall go into effect on the first day of September, in the year one thousand nine hundred and fifteen.

Section 26, Act of May 5, 1915, P. L. 248.

(b) Domestic Animals and Poultry.

27. "Domestic Animal" Defined. The words "domestic animal" as used in this act, shall mean any equine animal or bovine animal, sheep, goat, pig, dog, cat or poultry; and shall be taken to include the singular or plural as may be necessary in any given case.

Section 1, Act of July 22, 1913, P. L. 928.

This act was held constitutional in *Com. v. Falk*, 59 Sup. Ct. 217.

28. "Owner" Defined. The word "owner," as used in this act, shall mean any person owning any domestic animal, or leasing any domestic animal from another; or any person who allows a domestic animal habitually to remain about the premises inhabited by such person.

Section 2, Act of July 22, 1913, P. L. 928.

29. "Person" Defined. The word "person" as used in this act, shall mean any person, copartnership, association, or corporation, and shall be taken to include the singular or plural as may be necessary in any given case.

Section 3, Act of July 22, 1913, P. L. 928.

30. **"Premises" Defined.** The word "premises" as used in this act, is to be taken in its widest sense; and is to include land, any structure erected on land, and any vehicle or vessel used in transporting passengers, goods, or animals by land or by water.

Section 4, Act of July 22, 1913, P. L. 928.

31. **State Veterinarian. Agents and Employes of State Live-Stock Sanitary Board. Deputy State Veterinarian. Salaries and Compensation.** The State Livestock Sanitary Board shall remain as at present constituted. The State Veterinarian shall be ex-officio secretary of the State Livestock Sanitary Board, and shall be the executive officer of said Board. For the proper performance of the work of the State Livestock Sanitary Board the State Veterinarian, with the approval of the board, is authorized to appoint and employ for the board such agents and employees, legal, clerical, and otherwise, as may be deemed necessary.

In the absence or incapacity of the State Veterinarian, the Deputy State Veterinarian shall act as secretary of the State Livestock Sanitary Board and as executive officer thereof; and shall have, in all respects, the powers and duties of the State Veterinarian under this act, except that said Deputy State Veterinarian shall not be a member of the board.

For his services as Deputy State Veterinarian and services in connection with the State Livestock Sanitary Board he shall receive an annual salary of three thousand dollars, which shall be in lieu of all compensation now received by law.

The compensation of agents and other employees shall be fixed by the State Veterinarian, with the approval of the board. The State Veterinarian shall assign to each agent and employee such duties as may be deemed for the best interests of the work of the board. Each officer, agent, and employee shall be allowed expenses actually and necessarily incurred in the performance of the duties devolved upon him. All salaries, compensation, and expense of officers, agents and employees, and all other expenses under this act, shall after approval by the State Veterinarian, be paid by the State Treasurer upon the warrant of the Auditor General, in the manner now provided by law.

Section 5, Act of July 22, 1913, P. L. 928.

32. **Duties of State Livestock Sanitary Board.** It shall be the duty of the State Livestock Sanitary Board to improve the quality of the domestic animals and poultry of this Commonwealth to prevent, suppress, control, and eradicate any transmissible diseases of such animals or poultry, to issue circulars or bulletins for public distribution, giving information on the prevalence and control of diseases and their treatment, and such other information as would be of value to the stock industry of the State; and to enforce the laws

of the Commonwealth, relating to diseases of animals and poultry, and the manufacture, preparation, storage, sale, and offering for sale, of the food and food products derived from diseased animals and poultry. Whenever and wherever deemed necessary to prevent the spread of diseases, the board may regulate and prohibit the importation into this Commonwealth of animals or poultry; may cause general or special quarantine of premises and animals and poultry to be established and maintained; may cause the disinfection of any premises; may cause the destruction of animals and poultry and personal property, and may regulate and prohibit the moving or transportation of animals and poultry from one place to another in this Commonwealth. The State Livestock Sanitary Board may also cause such investigations to be conducted as may seem advisable regarding methods of improving the quality of domestic animals and poultry; and regarding the causes, and the methods of preventing, controlling, and eradicating diseases thereof.

Section 6, Act of July 22, 1913, P. L. 928.

33. Entry of Premises by Agents of Board. In the performance of the duties herein required by law the officers, agents, and employees of the State Livestock Sanitary Board may at any time enter any premises. If permission so to enter shall be refused or delayed by any person, any such officer or agent or employee may, on oath or affirmation, declared before any alderman, magistrate, or justice of the peace that he has reason to believe that diseased animals or poultry are, or have been, confined or kept in or on such premises; and shall further declare that permission to enter and to investigate has been refused or delayed to an officer, agent, or employee of the board; whereupon such alderman, magistrate, or justice of the peace may, upon payment of a fee of one dollar, issue a search warrant for such premises, directed to the proper officer, agent or employee. Such search warrant shall describe, as nearly as may be, the premises which it is desired to search or investigate; but need not describe the animal or animals or poultry which are alleged to be or have been diseased, which are or have been confined or kept on such premises; and such officer, agent, or employee armed with such search warrant, shall have all the authority of a constable or other peace officer in the execution of such warrant. It shall be unlawful for any person to refuse or delay admission to any premises to any officer, agent, or employee of the State Livestock Sanitary Board provided with a search warrant, as herein authorized.

Section 7, Act of July 22, 1913, P. L. 928.

34. Importation of Diseased Animals or Poultry Prohibited. It shall be unlawful for any person to import or to bring into this Commonwealth any domestic animal or poultry affected with, or that has been exposed to, any transmissible disease of any kind, in

violation of the provisions of this act, or to import or bring any domestic animal or poultry into this Commonwealth in violation of any of the provisions of this act.

Section 8, Act of July 22, 1913, P. L. 928.

35. Veterinarians to Report Diseases. It shall be the duty of every practitioner of veterinary medicine in Pennsylvania, immediately upon receiving information thereof, to report to the Secretary of the State Livestock Sanitary Board each case of any of the following diseases; namely,—glanders, anthrax, blackleg or black quarter; contagious pleuro-pneumonia, or lung plague of cattle; rinderpest or cattle plague; hemorrhagic septicemia; foot and mouth disease, or aphthous fever of cattle; southern cattle fever, or Texas fever; sheep scab, mange of cattle or horses; hog cholera, or swine plague; fowl cholera; rabies, or hydrophobia, *maladie du coit*, or dourine, of horses; advanced or generalized tuberculosis or tuberculosis of the udder; or any other disease now or hereafter proclaimed by the State Livestock Sanitary Board to be of a transmissible character or any domestic animal reacting to tuberculin or mallein test. This report shall be in writing, and shall include a description of each animal affected, with the name and exact address of the owner or person in charge of the animal, if known, and the exact locality of the animal, and the number of susceptible domestic animals that have been exposed to the disease.

Section 9, Act of July 22, 1913, P. L. 928.

Section 1 of the Act of 1905 reads as follows: "All practitioners of veterinary medicine in Pennsylvania shall, immediately upon gaining information thereof, report to the secretary of the State Livestock Sanitary Board the occurrence among animals of any one of the following diseases: glanders, anthrax, blackleg, or black-quarter; contagious pleuro-pneumonia, or lung plague of cattle; rinderpest, or cattle plague; hemorrhagic septicaemia; foot and mouth disease, or aphthous fever of cattle, southern cattle fever, or Texas fever; sheep scab; mange of cattle or horses; hog cholera, or swine plague; rabies, or hydrophobia; *maladie de coit*, or eldurine, of horses; advanced or generalized tuberculosis or tuberculosis of the udder; or any other disease adjudged and proclaimed by the State Livestock Sanitary Board to be of a dangerously infectious or virulent character."

This section seems to be supplied by the above section of the Act of July 22, 1913.

36. Existence of Disease not to be Concealed. No person who has knowledge of the existence of any one of the diseases enumerated in section one of this act, or of an animal afflicted with any one of the said diseases, or with any other disease adjudged and proclaimed by the State Livestock Sanitary Board to be of a dangerously infectious or virulent character, shall conceal or attempt to conceal such

diseased animal, or knowledge of such diseased animal, from a member or agent of the State Livestock Sanitary Board.

Section 2, Act of March 30, 1905, P. L. 78.

For the provisions of section one of this act herein referred to, see notes to Section 33 *supra*.

37. Moving or Exposing Diseased Animals Prohibited. It shall be unlawful to move upon, or across any public highway, or to expose to contact with other animals of the same species, or in any public place, any animal known to be afflicted with any one of the diseases enumerated in Section one of this act, or with any other disease adjudged and proclaimed by the State Livestock Sanitary Board to be of a dangerously infectious or virulent character, except upon specific permission so to do from a member or agent of the State Livestock Sanitary Board.

Part of Section 1, Act of April 27, 1909, P. L. 189, amending Section 3, Act of March 30, 1905, P. L. 78.

38. Regulation of Importations. Animals for Slaughter or for Exhibition. No domestic animal shall be imported or brought into this Commonwealth except subject to the following regulations. There shall be provided for each bovine animal over six months old a health certificate and a tuberculin test chart, each in duplicate, from a veterinary inspector of the United States Bureau of Animal Industry, or from the State Veterinarian, or duly authorized and officially certified veterinarian of the State from whence the animal has been transported or moved. The original of the certificate and of the chart shall be attached to the waybill, when the animal shall be brought into the Commonwealth by common carrier, and the duplicate sent so as to reach the office of the State Livestock Sanitary Board before the animal reaches the point of destination. If the animal shall be brought into the Commonwealth other than by common carrier the office of the State Livestock Sanitary Board shall be notified before such animal shall be brought in. The original certificate and the chart shall be in the possession of the person who shall bring such animal into the Commonwealth, and shall be surrendered to any officer or agent of the board on demand. The duplicates thereof shall be sent to the board as aforesaid. Such notice to the board shall state when and where and how the animal is to be brought into the Commonwealth. Such certificates and chart shall show that the animal is free from Texas fever, ticks, and all transmissible diseases. The chart must show that an approved preparation of tuberculin has been used, and that the examination and tuberculin test have been carried out in a manner approved by the State Veterinarian of Pennsylvania.

This section shall not apply to animals brought into the Commonwealth for immediate slaughter, or to animals brought into the Com-

monwealth for temporary exhibition purposes only, after a permit for each animal for exhibition purposes shall have been obtained from the State Livestock Sanitary Board. The State Veterinarian, subject to the approval of the State Livestock Sanitary Board, may prescribe such condition for the issuance and duration of such permits as to him may seem proper.

Section 10, Act of July 22, 1913, P. L. 928.

39. When Genuineness of Certificate or Chart is Doubted. If the State Veterinarian shall suspect the genuineness of any health certificate or tuberculin test chart relating to imported animals; or shall question the competency of the person of the State of export who shall have issued such chart or certificate, he may, on behalf of the State Livestock Sanitary Board, decline to accept the same; and may refuse to permit the importation of the animals concerned unless a certificate and chart be furnished from the proper inspector of the Bureau of Animal Industry of the United States, or unless the said board shall otherwise determine.

Section 11, Act of July 22, 1913, P. L. 928.

40. Animals Under Six Months. No apparently healthy bull or heifer under six months of age shall be subject to examination or tuberculin test.

Section 12, Act of July 22, 1913, P. L. 928.

41. Importation of Animals Without Certificate or Chart. Any bovine animal, not accompanied by the health certificate and tuberculin test chart required by section ten of this act, may be brought into this Commonwealth only under the direct supervision of a member, officer, or agent of the State Livestock Sanitary Board, and subject to the following regulations:—

Each such animal shall be held in close quarantine at such place, under such conditions and during such time as may be prescribed by the State Veterinarian, and during the period of such quarantine shall be submitted to a physical examination and a tuberculin test by an agent of the board. The examination and test shall be at the expenses of the State. During the continuance of such quarantine the animal shall be provided with proper quarters, food, and water by the owner, or at his expense. It shall be unlawful to remove any such animal from quarantine unless it shall have passed a satisfactory examination and test, and unless the charges for the quarters, feed, water, and attendance has been paid to the person, entitled thereto. Any animal that fails to pass such an examination and test shall at the option of the owner be killed, without compensation to the owner, or continued in quarantine at the expense of the owner. This section shall not apply to any animals brought into the State for immediate slaughter, or to an animal for which an exhibition permit shall have been obtained as provided in section ten of this act.

The expenses incurred in providing such animal or animals with proper quarters, food, and water may be recovered by the board, from the owner, by an action at law as other debts are by law collectible. It shall be unlawful for any person to sell for dairy or breeding purposes any domestic animals brought into the State for immediate slaughter, or to use or permit to be used any such animal for dairy or breeding purposes.

Section 13, Act of July 22, 1913, P. L. 928.

42. Keeping animals Illegally Imported. When notified by an officer or agent of the State Livestock Sanitary Board not to do so, it shall be unlawful for any person to receive or keep, or have in his keeping or possession, any domestic animal imported or brought into this Commonwealth in violation of any of the provisions of this act, or to allow any such domestic animal to come into contact with any other domestic animal.

Section 14, Act of July 22, 1913, P. L. 928.

43. Quarantines. Whenever any of the diseases enumerated in section nine of this act, or any other disease of domestic animals or poultry now or hereafter adjudged and proclaimed by the State Livestock Sanitary Board to be of a transmissible character, shall exist anywhere in the State, a quarantine of any locality or premises, or of any infected or exposed animals or poultry, may be established. Quarantines shall be of two kinds, special and general.

A special quarantine shall mean a quarantine of a single animal; or a quarantine of a single building, structure, pen, coop, car, vessel, vehicle, field, or enclosure; or a quarantine of any number of animals or poultry when confined or contained in the same building, structure, pen, coop, car, vessel, vehicle, field, or enclosure.

A general quarantine shall include all quarantines not included under the term special quarantine as herein defined.

A special quarantine may be established and maintained whenever any domestic animal or poultry shall be affected with or exposed to any of the diseases enumerated in section nine of the act, or any other disease of domestic animals or poultry now or hereafter adjudged and proclaimed by the State Livestock Sanitary Board to be of a transmissible character, or there shall be any animal or poultry which it is deemed necessary by the State Veterinarian or any other officer or agent of the State Livestock Sanitary Board to have examined or tested. The State Veterinarian, or any officer or agent of the State Livestock Sanitary Board, shall have the power to establish and maintain any special quarantine. It shall be the duty of the State Veterinarian, or any officer or agent of the State Livestock Sanitary Board, establishing a special quarantine, to post on the building, structure, pen, coop, car, vessel, vehicle, field, or enclosure, wherein the animal or animals or poultry quarantined are

confined or contained, a notice declaring the quarantine, a description of the animal or animals or poultry quarantined, and of the premises where quarantined, and of the duration of such quarantine. Such quarantine may continue for such time as the State Veterinarian, or the officer or agent of the State Livestock Sanitary Board, establishing the same, may deem advisable to accomplish the purpose of quarantine.

A general quarantine may be established and maintained whenever any of the diseases enumerated in section nine of this act, or any other disease of domestic animals or poultry now or hereafter adjudged or proclaimed by the State Livestock Sanitary Board to be of a transmissible character, shall exist in any locality in the State larger in extent than that which may be included in a special quarantine. A general quarantine shall be established and maintained by the State Livestock Sanitary Board only. Such quarantine shall include such premises, locality or territorial district, and such animals, and shall continue for such time, as may be deemed necessary or advisable by the said board. In establishing and maintaining such quarantine the said board may act through and by any member, officer, agent, or employee of said board to whom such power is delegated; and the establishment and maintenance of such quarantine by any member, officer, agent, or employee of said board shall be prima facie the establishment and maintenance of quarantine by said board. Whenever any premises or any locality or territorial district shall be placed in or under quarantine by said board, it shall be the duty of the member, officer, agent, or employee of said board by whom the order of said board as to quarantine is executed, to post notices within the premises, locality, or territorial district quarantined, declaring the extent and limits of premises, locality, or territorial district so quarantined, and the animals subject to such quarantine. At least ten such notices shall be posted in the most public places within said quarantined area. A copy of such notice shall be published in one newspaper published within such quarantined area, or, if there be no such newspaper, then in one newspaper circulating generally within such area. If the quarantine shall be for the purpose of preventing the spread of rabies or hydrophobia, the notice shall contain a warning to the owners of dogs within the quarantined area to confine closely or to muzzle all such dogs so as to effectually prevent biting.

Section 15, Act of July 22, 1913, P. L. 928.

44. Violation of Quarantine. After the establishment of any quarantine authorized by this act, and the posting of notices required by law, it shall be unlawful for any person, without a special permit in writing from the State Veterinarian or the State Livestock Sanitary Board, as the case may be, to remove from or to any premises

within the limits of the quarantine any domestic animal or poultry; or to remove from any quarantined area or premises any hay, straw, grain, fodder, or other food, or animals or poultry, or to remove any car or wagon or vessel so quarantined; or to sell or exchange or give away or lease or lend or remove, or allow to be removed, any quarantined domestic animal or animals or poultry. It shall be unlawful, after notice as aforesaid, for the owner of any dog to permit such dog to run at large in any such quarantined locality, unless such dog shall be muzzled so as to effectually prevent biting; or for any person to remove, or permit to be removed, any dog from such quarantined area. Any dog found running at large in such quarantined area, or known to have been removed from or to have escaped from such area, not being muzzled as aforesaid, may be secured and confined, or may be shot or otherwise destroyed, by any person, without liability therefor.

Section 16, Act of July 22, 1913, P. L. 928.

45. Destroying or Defacing Quarantine Notice. It shall be unlawful for any person to tear down or deface or to destroy any notice of quarantine posted by any member, officer, agent, or employee of the State Livestock Sanitary Board, or to remove or destroy, wholly or partially, any portion of a building or tree or fence whereon the same shall have been posted.

Section 17, Act of July 22, 1913, P. L. 928.

46. Animals Running at Large During Quarantine.. When any quarantine shall be established under this act, it shall be unlawful for the owner of any domestic animal within the limits of the quarantined area to allow such domestic animal to run at large during the continuance of the quarantine. Any animal so found running at large shall be taken up by the proper constable, and kept at the expense of the owner until the lifting of the quarantine. For such service he shall be entitled to one dollar for each animal. Each animal shall be kept until such fee and all cost of keeping such animal shall have been paid. If not paid within two weeks from the lifting of the quarantine, the animal may be sold; and after the deduction of all fees, costs and expenses, the residue shall be paid to the owner, if known, and, if not known, shall be paid into the State Treasury. This section shall not apply to dogs, or affect the special provisions of this act in reference to dogs.

Section 18, Act of July 22, 1913, P. L. 928.

47. Care of Quarantined Animals. Animals that shall be placed in quarantine, by the authority of the State Livestock Sanitary Board, or any member, officer, agent, or employee of the same, shall be provided with suitable quarters, and fed and watered by or at the expense of the owner. In default of payment by such owner of the

expense of providing suitable quarters and of feeding and watering any such animals within ten days after the lifting of said quarantine, the State Livestock Sanitary Board may sell any such animal at public sale, to collect such expense. Any surplus received at said sale, over the expense aforesaid, shall be paid to such owner. No animal shall be removed from a quarantined area until such sale, except upon payment of such expense.

Section 19, Act of July 22, 1913, P. L. 928.

48. Disposal of Carcass. Whenever it shall be required to destroy or dispose of the carcass of any animal to prevent the spread of disease, such destruction or disposal shall be made by one of the following methods:

First. Complete cremation of the entire carcass with all its parts and products.

Second. Boiling the carcass and all its parts and products in water, or heating the same with steam at the temperature of boiling water, continuously during at least two hours.

Third. Burial of the carcass and all its parts and products in such place that shall not be subjected to overflow from ponds or streams, and which shall be distant not less than one hundred feet from any water-course, well, or spring, public highway, house, or stable. In burying such carcass it shall be covered with quicklime to a depth of not less than three inches, and the top of such carcass shall not be within two feet of the surface of the ground when such grave is filled and smoothed to the level of the surrounding surface. Such grave shall be so protected that the carcass may not be accessible to dogs or other animals.

Section 20, Act of July 22, 1913, P. L. 928.

49. Payments for Animals Killed. Whenever, to prevent the spread of disease, it shall be deemed necessary by any member, officer, or agent of the State Livestock Sanitary Board, to cause any domestic animal to be killed, the State Veterinarian may cause to be paid to the owner of such animal two-thirds of the fair market value thereof, taking into consideration the condition of the animal as to disease, and the nature and extent of the disease, and its present and probable effect on the animal, and having regard to the probable sums to be derived from the sale of the carcass, hide, and offal. The amount paid by the State shall in no case exceed—for a horse, jack or mule, the sum of sixty dollars; for a non-registered bovine animal, the sum of forty dollars; for a registered bovine animal, the sum of seventy dollars; for a sheep or pig, the sum of ten dollars. The amount paid by the State, together with the estimated value of the carcass, hide, and offal, shall not exceed ninety per centum of the fair market value of the animal. When any animal is so killed

the owner, subject to such regulations as may be prescribed by the State Livestock Sanitary Board, may dispose of the whole or any part of the carcass, and of the hides and offal, in such manner as may not tend to spread disease or affect the health of the public.

Section 21, Act of July 22, 1913, P. L. 928.

50. Appraisement of Animals Killed. Whenever, to prevent the spread of disease, it shall be deemed necessary by the State Livestock Sanitary Board, or any member, officer, or agent of the board, to cause any domestic animal to be killed, and the proper member, officer, or agent of the board cannot agree with the owner as to the value of such animal, three appraisers shall be appointed,—one by the State Veterinarian, or other member, officer, or agent of the board, one by the owner, and the third by the two so selected. If the owner shall refuse to appoint an appraiser, the alderman, magistrate, or justice of the peace of the proper township, borough, or ward shall appoint such appraiser for the owner. Each appraiser shall be sworn to perform faithfully his duties as appraiser. The appraisers shall estimate the fair market value of each such animal, taking into consideration the condition of the animal as to disease, and the nature and extent of such disease, and its present and probable effect on the animal, and having regard to the probable sums to be derived from the sale of the carcass, hide, and offal. When such appraisement shall be made, such animals shall be killed, and two-thirds of the appraised value paid to the owner, subject to the limitations imposed in section twenty-one. Each appraiser shall be entitled to one dollar for such appraisement, irrespective of the number of animals appraised. One-half of the expense of the appraisement shall be paid by the owner; the other half, by the State Livestock Sanitary Board.

Section 22, Act of July 22, 1913, P. L. 928.

51. Who May Administer Oaths to Appraisers. The State Veterinarian, and any member, officer or agent of the State Livestock Sanitary Board, are authorized to administer oaths and affirmations to appraisers appointed under this act.

Section 23, Act of July 22, 1913, P. L. 928.

52. Owner to Dispose of Carcass. Whenever any animal affected with any of the diseases enumerated in section nine of this act, or with any disease now or hereafter adjudged and proclaimed by the State Livestock Sanitary Board to be of a transmissible character, shall die or be killed, it shall be the duty of the owner of such animal at once to destroy or dispose of the carcass of such animal in the manner provided in this act. It shall be unlawful to sell such carcass or any part thereof, or any hide or offal therefrom.

Section 24, Act of July 22, 1913, P. L. 928.

53. Procedure When Owner Fails to Dispose of Carcass. Whenever any animal affected with any disease enumerated in section nine of this act, or with any disease now or hereafter adjudged or proclaimed by the State Livestock Sanitary Board to be of a transmissible character, shall die or be killed, and the owner thereof shall not within twenty-four hours dispose of the carcass and products as required by law, it shall be the duty of the State Livestock Sanitary Board, or any member, officer, or agent of the board, to cause the same to be destroyed or disposed of according to law, at the cost of such owner. The expense of such destruction or disposal may be collected from such owner as debts of like amount are by law collectible.

Section 25, Act of July 22, 1913, P. L. 928.

54. Unlawful to Move Diseased Animal on or Across Public Highway. It shall be unlawful for any person to drive or move or transport on or across or along any public highway, or in wagons or railroad cars or other vehicles, any animal affected with any disease enumerated in section nine of this act, or with any disease now or hereafter adjudged and proclaimed by the State Livestock Sanitary Board to be of a transmissible character, except upon express permission in writing from the State Livestock Sanitary Board, or any member, officer, or agent, of the board.

Section 26, Act of July 22, 1913, P. L. 928.

55. Sale of Animal Affected by Disease or Reacting to Test. Without express permission in writing from the State Livestock Sanitary Board, or a member, officer, or agent of the board it shall be unlawful for any person to sell or offer for sale, or to give away, or to allow to stray, any animal affected with any disease enumerated in section nine of this act, or with any disease now or hereafter adjudged and proclaimed by the State Livestock Sanitary Board to be of a transmissible character, or any animal that has reacted to any tuberculin or mallein test, or, with such permission to sell or offer for sale, or to give away, any such animal without notifying the purchaser or prospective purchaser, or the person to whom the animal shall be given, that the animal is affected or has reacted as aforesaid.

Section 27, Act of July 22, 1913, P. L. 928.

56. Regulation of Tests in Diagnosis. The State Veterinarian may prescribe methods of making tests with tuberculin, mallein, or other recognized tests for the diagnosis of diseases of animals.

Section 28, Act of July 22, 1913, P. L. 928.

57. Mallein. Tuberculin. Reports of Tests and Sales. Each sale in this Commonwealth of tuberculin for cattle, or of mallein for horses, jacks or mules, and each injection or test made with tuberculin or mallein, shall be reported in writing to the State Veterin-

arian within one week after such sale or test. Each such report shall be signed by the person who shall have made the sale or test; and shall give the name of the purchaser of the tuberculin or mallein, with the amount sold, the date of sale, the name and address of the owner of the cattle or horses or mules or jacks tested, the locality where such test has been made, a description of the animal or animals tested, and a complete statement of the actual result of such test. It shall be unlawful for any person, whose duty it is hereby made to make such report, to fail or refuse to do so.

Section 29, Act of July 22, 1913, P. L. 928.

58. Regulation of Manufacture and Sale of Biological Products. It shall be unlawful for any person to manufacture for sale, or sell or offer for sale, any biological product intended for diagnostic or therapeutic purposes with animals, excepting upon specific permission so to do from the State Livestock Sanitary Board, or unless such product is officially endorsed by the Bureau of Animal Industry of the United States.

Section 30, Act of July 22, 1913, P. L. 928.

59. Branding Tuberculosis Animals. Any domestic animal affected with advanced or generalized tuberculosis, or with tuberculosis of the udder, or any animal which has reacted to the tuberculin test, may be plainly branded, by any member, officer, agent, or employee of the State Livestock Sanitary Board, upon the forehead, or upon the right side of the neck, from six to ten inches back from the jawbone, with a capital "T," not less than two inches high, and one and one-half inches wide, with mark one-fourth of an inch wide. Such branding shall not be construed as cruelty to animals within the meaning of the penal laws of the Commonwealth.

Section 31, Act of July 22, 1913, P. L. 928.

60. Milk from Tuberculosis Cows as Food for Animals. Milk produced by a cow which has reacted to a tuberculin test, or is affected with a dangerous transmissible disease, shall not be used as food for animals, unless it has been previously heated to at least one hundred and seventy-eight degrees Fahrenheit, except a special examination has been made under the direction of the State Veterinarian and written permission to use such milk has been given by him.

Section 32, Act of July 22, 1913, P. L. 928.

61. Skimmed Milk, etc., For Animals, to be Pasteurized. Every owner, operator, or manager of a creamery, cheese factory, receiving station, or skimming station, shall, before returning to or delivering to any person or persons any skimmed milk or separator slop, to

be used for food or feeding purposes for calves or swine, cause such skimmed milk to be thoroughly pasteurized by heating it to at least one hundred and seventy-eight degrees Fahrenheit.

Section 33, Act of July 22, 1913, P. L. 928.

62. State Livestock Sanitary Board to Cooperate with National Government. To extend the efficiency of the State Livestock Sanitary Board, said board is authorized to cooperate with the proper authorities of the National Government in all matters relating to the diseases of domestic animals and poultry.

Section 34, Act of July 22, 1913, P. L. 928.

63. Fees to be Paid into State Treasury. All fees and costs and mileage received by any member, officer, agent, or employee of the State Livestock Sanitary Board in the performance of his duties shall be paid as soon as practicable to the State Veterinarian, and by the State Veterinarian paid into the Treasury of this Commonwealth.

Section 35, Act of July 22, 1913, P. L. 928.

64. Annual Report. The Secretary of the State Livestock Sanitary Board shall render a report annually to the Governor of the Commonwealth concerning the work of the State Livestock Sanitary Board. Such report shall be rendered oftener if so directed by the Governor. Such report shall also contain such additional information and suggestions as may be requested by the Governor.

Section 36, Act of July 22, 1913, P. L. 928.

65. Quarters, Supplies, etc., for Board. The Board of Commissioners of Public Grounds and Buildings shall provide adequate quarters for the State Livestock Sanitary Board, and shall, on requisition of the State Veterinarian, furnish such stationery, paper, furniture, and supplies as may be necessary in the performance of the work of the board.

Section 37, Act of July 22, 1913, P. L. 928.

66. Printing. The Superintendent of Public Printing and Binding shall, on requisition of the State Veterinarian, furnish the State Livestock Sanitary Board with such printing and binding as may be necessary in the performance of the work of the board.

Section 38, Act of July 22, 1913, P. L. 928.

67. Penalty for Violation of Act. Any person, firm, or corporation that shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall for the first offense be sentenced to pay a fine of not more than one hundred dollars. For each subsequent offense such person, firm, or corporation shall be sentenced to pay a fine of not more than five hundred dollars, and, in addition thereto, such person, or each of the members of the firm

or each of the directors of the corporation, as the case may be, with guilty knowledge of the fact, may be sentenced to undergo imprisonment in the jail of the proper county for a period of not less than ten nor more than ninety days, or either or both, at the discretion of the court.

Section 39, Act of July 22, 1913, P. L. 928.

68. Board to Enforce Act. The State Livestock Sanitary Board shall be charged with the enforcement of this act, and shall have the power to make all needful rules and regulations for the enforcement thereof.

Section 40, Act of July 22, 1913, P. L. 928.

WAITERS.

See Cooks.

WAREHOUSEMEN.

(a) Levies by Sheriffs and Constables on Goods in Hands of Warehousemen.

1. Warehousemen not to Conceal Goods from Constables and Sheriffs. It shall be unlawful for any person, firm, or corporation, being in possession of goods and chattels of any description belonging to another, either as storage or warehouseman, [pawnbroker, second-hand dealer, or junk-dealer,] to conceal from any constable or sheriff, entrusted with the execution of any writ, any such goods or chattels, with intent to prevent any such goods, or chattels from being taken or levied upon under any such writ.

Section 1, Act of May 20, 1913, P. L. 246.

2. What Constitutes Evidence of Intent to Conceal. The refusal to disclose or point out to any such constable or sheriff the whereabouts of any such goods or chattels shall be evidence of the intent to conceal such goods and chattels, as provided for in section one of this act.

Section 2, Act of May 20, 1913, P. L. 246.

3. Penalty. Any keeper, owner, proprietor, or any person in charge of any such storage or warehouse, [pawn-shop, second-hand store, or junk-shop,] who shall violate, neglect, fail, or refuse to comply with all of the provisions of this act, or any of them, shall be guilty of a misdemeanor and upon conviction before any court of competent jurisdiction be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo an imprisonment of not more than one year, or both, at the discretion of the court.

Section 3, Act of May 20, 1913, P. L. 246.

(b) Warehouse Receipts.

4. Warehousemen may Issue Warehouse Receipts. Warehouse receipts may be issued by any warehouseman.

Section 1, Act of March 11, 1909, P. L. 19.

5. Essential Terms of Warehouse Receipts. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:—

- a. The location of the warehouse where the goods are stored;
- b. The date of issue of the receipt;
- c. The consecutive number of the receipt;
- d. A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order;
- e. The rate of storage charges;
- f. A description of the goods, or of the packages containing them;
- g. The signature of the warehouseman, which may be made by his authorized agent;
- h. If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly, or in common with others, the fact of such ownership; and
- i. A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman, or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred, and the purpose thereof, is sufficient.

A warehouseman shall be liable, to any person injured thereby, for all damages caused by the omission from a negotiable receipt of any of the terms herein required.

Section 2, Act of March 11, 1909, P. L. 19.

6. Terms Which May not be Inserted. A warehouseman may insert in a receipt issued by him any other terms and conditions; provided, that such terms and conditions shall not,—

- a. Be contrary to the provisions of this act.
- b. In any wise impair his obligations to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Section 3, Act of March 11, 1909, P. L. 19.

7. Non-Negotiable Receipts. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Section 4, Act of March 11, 1909, P. L. 19.

8. Negotiable Receipts. Void Provisions. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt, is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision if inserted shall be void.

Section 5, Act of March 11, 1909, P. L. 19.

9. Duplicate Receipts to be Marked. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do, to any one who purchased the subsequent receipt for value, supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Section 6, Act of March 11, 1909, P. L. 19.

10. Non-Negotiable Receipts to be so Marked. A non-negotiable receipt shall have plainly placed upon its face, by the warehouseman issuing it, "non-negotiable" or "not negotiable.". In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value, supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Section 7, Act of March 11, 1909, P. L. 19.

11. Obligation of Warehouseman to Deliver Goods.. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with,—

- a. An offer to satisfy the warehouseman's lien;
- b. An offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and
- c. A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods, in compliance with a demand by the holder or depositor, so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal

Section 8, Act of March 11, 1909, P. L. 19.

12. When Warehousemen are Justified in Delivering Goods. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is,—

a. The person lawfully entitled to the possession of the goods, or his agent;

b. A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled, either indorsed upon the receipt or written upon another paper; or,

c. A person in possession of a negotiable receipt, by the terms of which the goods are deliverable to him or order, or to bearer; or which has been indorsed to him, or in blank, by the person to whom delivery was promised by the terms of the receipt, or by his mediate or immediate indorsee.

Section 9, Act of March 11, 1909, P. L. 19.

13. Liability of Warehousemen for Miss-Delivery of Goods. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods, if he delivered the goods otherwise than as authorized by sub-division (b) and (c) of the preceding section; and though he delivered the goods as authorized by said subdivisions, he shall be so liable if, prior to such delivery, he had either,—

a. Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery; or,

b. Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Section 10, Act of March 11, 1909, P. L. 19.

14. Cancellation of Negotiable Receipts. Except as provided in section thirty-six, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value, in good faith, such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Section 11, Act of March 11, 1909, P. L. 19.

15. Liability for Failure to Cancel Negotiable Receipt. Except as provided in section thirty-six, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt, and fails either to take up and cancel such receipt or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to any one who purchases for value, in good faith,

such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Section 12, Act of March 11, 1909, P. L. 19.

16. Alteration of Receipts. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability, if such alteration was,—

- a. Immaterial,
- b. Authorized, or
- c. Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued; but shall excuse him from any other liability to the person who made the alteration, and to any person who took with notice of the alteration. Any purchaser of the receipt for value, without notice of the alteration, shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Section 13, Act of March 11, 1909, P. L. 19.

17. Lost and Destroyed Receipts. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction, and upon the giving of a bond, with sufficient sureties, to be approved by the court, to protect the warehouseman from any liability or expense which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also, in its discretion, order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court, as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value, without notice of the proceedings or of the delivery of the goods.

Section 14, Act of March 11, 1909, P. L. 19.

18. Effect of "Duplicate" on Receipts. A receipt, upon the face of which the word "duplicate" is plainly placed, is a representation and warranty by the warehouseman that such receipt is an accurate

copy of an original receipt, properly issued, and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Section 15, Act of March 11, 1909, P. L. 19.

19. Warehouseman not to Claim Title for Himself. Exception. No title or right to the possession of the goods on the part of the warehouseman, unless such title or right is derived, directly or indirectly, from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Section 16, Act of March 11, 1909, P. L. 19.

20. Adverse Claimants to Interplead. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defence to an action brought against him for non-delivery of the goods or as an original suit, whichever is appropriate, require all known claimants to interplead.

Section 17, Act of March 11, 1909, P. L. 19.

21. Warehouseman May Refuse to Deliver Until Validity of Adverse Claims are Determined. If some one other than the depositor, or person claiming under him, has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods either to the depositor or person claiming under him, or to the adverse claimant, until the warehouseman has had reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Section 18, Act of March 11, 1909, P. L. 19.

22. Adverse Title as a Defence. Except as provided in the two preceding sections, and in sections nine and thirty-six, no right or title of a third person shall be a defence to an action brought by the depositor, or person claiming under him, against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Section 19, Act of March 11, 1909, P. L. 19.

23. Liability for Non-Existence of Goods or for Misdescription. A warehouseman shall be liable to the holder of a receipt for damages caused by the nonexistence of the goods, or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that packages containing the goods are said to contain goods of a certain kind, or by words of

like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Section 20, Act of March 11, 1909, P. L. 19.

24. Liability for Failure to Exercise Reasonable Care. A warehouseman shall be liable for any loss or injury to the goods caused by his failure, to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise; but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Section 21, Act of March 11, 1909, P. L. 19.

25. Goods to be Kept Separate. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

Section 22, Act of March 11, 1909, P. L. 19.

26. Agreements to Mingle Fungible Goods. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Section 23, Act of March 11, 1909, P. L. 19.

27. Warehousemen to be Severally Liable to Depositors. The warehouseman shall be severally liable to each depositor for the care and delivery of his share of such mass, to the same extent and under the same circumstances as if the goods had been kept separate.

Section 24, Act of March 11, 1909, P. L. 19.

28. When Goods not Subject to Attachment. If goods are delivered to a warehouseman by the owner, or by a person whose act in conveying the title to them to a purchaser, in good faith, for value, would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall, in no case, be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Section 25, Act of March 11, 1909, P. L. 19.

29. Creditors' Remedies. A creditor, whose debtor is the owner of a negotiable receipt, shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof, as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Section 26, Act of March 11, 1909, P. L. 19.

30. Claims Included in Warehouseman's Lien. Subject to the provisions of section thirty, a warehouseman shall have a lien on goods deposited, or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering, and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Section 27, Act of March 11, 1909, P. L. 19.

31. How Warehouseman's Lien may be Enforced. Subject to the provisions of section thirty, a warehouseman's lien may be enforced,—

a. Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which lien is asserted; and

b. Against all goods belonging to others, which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person had been so entrusted with the possession of the goods that a pledge of the same by him, at the time of the deposit, to one who took the goods in good faith for value, would have been valid.

Section 28, Act of March 11, 1909, P. L. 19.

32. How Lien may be Lost. A warehouseman loses his lien upon goods,—

a. By surrendering possession thereof; or,

b. By refusing to deliver the goods when a demand is made, with which he is bound to comply under the provisions of this act.

Section 29, Act of March 11, 1909, P. L. 19.

33. Negotiable Receipts to State Charges. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated, so far as they are within the terms of section twenty-seven, although the amount of the charges so enumerated is not stated in the receipt.

Section 30, Act of March 11, 1909, P. L. 19.

34. Goods May be Withheld Until Lien is Satisfied. A warehouseman having a lien, valid against the person demanding the goods, may refuse to deliver the goods to him until the lien is satisfied.

Section 31, Act of March 11, 1909, P. L. 19.

35. Lien Does not Preclude Other Remedies. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Section 32, Act of March 11, 1909, P. L. 19.

36. Satisfaction of Lien by Sale. A warehouseman's lien for a claim which has become due may be satisfied as follows:—

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person, or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:—

a. An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice, and the date or dates when it became due;

b. A brief description of the goods against which the lien exists;

c. A demand that the amount of the claim, as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice, if it is personally delivered, or from the time when the notice should reach its destination according to the due course of post, if the notice is sent by mail; and

d. A statement that unless the claim is paid within the time specified, the goods will be advertised for sale, and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the

first publication. If there is no newspaper published in such place, the advertisement shall be posted, at least ten days before such sale, in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold, any persons claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale, up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment, if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise, the warehouseman shall retain possession of the goods, according to the terms of the original contract of deposit.

Section 33, Act of March 11, 1909, P. L. 19.

37. Perishable and Hazardous Goods. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods and to remove them from the warehouse; and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale, without advertising. If the warehouseman, after a reasonable effort, is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Section 34, Act of March 11, 1909, P. L. 19.

38. Other Methods of Enforcing Liens. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property, nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Section 35, Act of March 11, 1909, P. L. 19.

39. Effect of Sale of Goods. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or dis-

posed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

Section 36, Act of March 11, 1909, P. L. 19.

40. Negotiation of Receipts of Delivery. A negotiable receipt may be negotiated by delivery,—

a. Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer; or,

b. Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer, or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

Section 37, Act of March 11, 1909, P. L. 19.

41. Negotiation of Receipts by Endorsement. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer, or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer, or to another specified person. Subsequent negotiation may be made in like manner.

Section 38, Act of March 11, 1909, P. L. 19.

42. Transfer of Receipts, Non-Negotiable Receipts not Negotiable. A receipt which is not in such form that it can be negotiated by delivery, may be transferred, by the holder, by delivery to a purchaser or donee.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

Section 39, Act of March 11, 1909, P. L. 19.

43. Who May Negotiate Receipts. A negotiable receipt may be negotiated,—

a. By the owner thereof; or,

b. By any person to whom the possession or custody of the receipt has been entrusted by the owner, if by the terms of the receipt the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if, at the time of such entrusting, the receipt is in such form that it may be negotiated by delivery.

Section 40, Act of March 11, 1909, P. L. 19.

44. Rights Acquired by Negotiation. A person, to whom a negotiable receipt has been duly negotiated, acquires thereby,—

a. Such title to the goods as the person negotiating the receipt to him had, or had ability to convey to a purchaser in good faith for value; and also such title to the goods as the depositor, or person to whose order the goods were to be delivered by the terms of the receipt, had, or had ability to convey to a purchaser in good faith for value; and

b. The direct obligation of the warehouseman to hold possession of the goods for him, according to the terms of the receipt, as fully as if the warehouseman had contracted directly with him.

Section 41, Act of March 11, 1909, P. L. 19.

45. Rights Acquired by Transfer. A person to whom a receipt has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him, according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods, and the right to acquire the obligation of the warehouseman, may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by notification to the warehouseman by the transferor, or a subsequent purchaser from the transferor, of a subsequent sale of the goods by the transferor.

Section 42, Act of March 11, 1909, P. L. 19.

46. Rights Acquired by Transferee Where Non Endorsement Made. Where a negotiable receipt is transferred, for value, by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Section 43, Act of March 11, 1909, P. L. 19.

47. Warranties Which are Presumed. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants,—

a. That the receipt is genuine;

b. That he has a legal right to negotiate or transfer it;

c. That he has knowledge of no fact which would impair the validity or worth of the receipt; and

d. That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer, without a receipt, the goods represented thereby.

Section 44, Act of March 11, 1909, P. L. 19.

48. Endorser not Liable for Failure of Warehouseman. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Section 45, Act of March 11, 1909, P. L. 19.

49. Warranties Which are not Implied. A mortgagee, pledgee, or holder for security of a receipt, who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt, or the quantity or quality of the goods therein described.

Section 46, Act of March 11, 1909, P. L. 19.

50. When Validity of Negotiation not Impaired. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation; or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Section 47, Act of March 11, 1909, P. L. 19.

51. Subsequent Negotiation of Receipt by Person who had Prior Thereto Sold Same. Where a person, having sold, mortgaged, or pledged goods, which are in a warehouse, and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person, under any sale or other disposition thereof, to any person receiving the same in good faith for value, and without notice of the previous sale, mortgage, or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Section 48, Act of March 11, 1909, P. L. 19.

52. Seller's Lien or Right of Stoppage in Transitu not to Defeat Rights of Purchaser. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value, in good faith, to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman, who issued such receipt, of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller, unless the receipt is first surrendered for cancellation.

Section 49, Act of March 11, 1909, P. L. 19.

53. Penalty for Issuing Receipt Where Goods not Received. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt, knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be deemed guilty of fraud, and, upon conviction, shall be punished for each offence by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Section 50, Act of March 11, 1909, P. L. 19.

54. Penalty for Issuing Receipt Containing False Statement. A warehouseman, or any officer, agent, or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods, knowing that it contains any false statement, shall be deemed guilty of fraud, and, upon conviction, shall be punished for each offence, by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 51, Act of March 11, 1909, P. L. 19.

55. Penalty for Issuing Duplicate Receipts not so Marked. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods, or any part of them, is outstanding and uncanceled, without plainly placing upon the face thereof the word "duplicate," except in the case of a lost or destroyed receipt, after proceedings as provided for in section fourteen, shall be deemed guilty of fraud, and, upon conviction, shall be punished, for each offence, by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

Section 52, Act of March 11, 1909, P. L. 19.

56. Penalty for Issuing Receipt Where Ownership of Goods is in Warehouseman. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly, or in

common with others, such warehouseman, or any of his officers, agents, or servants, who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be deemed guilty of fraud, and, upon conviction, shall be punished, for each offence, by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 53, Act of March 11, 1909, P. L. 19.

57. Penalty for Delivery of Goods Without Receiving Receipt. A warehouseman, or any officer, agent, or servant of a warehouseman, who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining the possession of such receipt, at or before the time of such delivery, shall, except in the cases provided for in sections fourteen and thirty-six, be deemed guilty of fraud, and, upon conviction, shall be punished, for each offence, by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 54, Act of March 11, 1909, P. L. 19.

58. Penalty for Negotiation of Receipts by Person not Owner or Which are Liened or Mortgaged. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value, with intent to deceive, and without disclosing his want of title or the existence of the lien or mortgage, shall be deemed guilty of fraud, and, upon conviction, shall be punished for each offence by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 55, Act of March 11, 1909, P. L. 19.

59. When Common Law Rules to Apply. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Section 56, Act of March 11, 1909, P. L. 19.

60. Interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Section 57, Act of March 11, 1909, P. L. 19.

61. Definitions. (1). In this act, unless the context or subject matter otherwise requires,—

“Action” includes counter claim, set-off, and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

"Holder" of a receipt, means a person who has both actual possession of such receipt and a right of property therein.

"Order" means an order by indorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership, or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

2. A thing is done "in good faith," within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Section 58, Act of March 11, 1909, P. L. 19.

62. Citation of Act. Short Title. This act may be cited as the Warehouse Receipts Act.

Section 59, Act of March 11, 1909, P. L. 19.

63. Penalty for Issuing Papers in Likeness and Similitude to Warehouse Receipts. If any person, firm, or corporation shall issue, or shall pledge, sell, transfer, endorse, assign, deliver, or in any way pass, to another person, firm, or corporation the title to, any paper, not issued by a warehouseman, person, firm, or corporation owning or operating a warehouse or other place for the storing of goods, and not being a warehouse receipt, but made in the likeness or similitude as to design or contents of a warehouse receipt, and calculated to induce any person to believe such paper to be a warehouse receipt, and thereby shall obtain the signature of any person, firm, or corporation to any written instrument, or shall obtain from any person, firm, or corporation any chattel, money, promissory note, check, or other negotiable instrument or valuable security,—every such offender shall be guilty of a misdemeanor, and on conviction shall be

sentenced to pay a fine not exceeding five thousand dollars, and undergo imprisonment not exceeding three years, or either or both, in the discretion of the court.

Section 1, Act of June 7, 1911, P. L. 701.

(c) Attachment of Goods in Hands of Warehousemen.

64. Rights of Holders of Warehouse Receipts When Goods are Attached. That whenever any goods, wares or merchandise shall have been or shall hereafter be attached by writ of foreign or other attachment in the hands, possession or custody of any warehouseman, [wharfinger or other person] who shall have issued for the same any warehouse receipt [or voucher, or any bill of lading or other receipt,] when in transit by car or vessel, which warehouse receipt [voucher, bill of lading or other receipt] shall have been negotiated and transferred by endorsement or delivery, as provided in the act to which this is a supplement, the holder of any such warehouse receipt, [voucher, bill of lading or other receipt,] to whom the same shall have been transferred or delivered as aforesaid, although not named or summoned in, or served with such writ of attachment, shall nevertheless be deemed and taken to all intents to be a garnishee of the said goods, wares or merchandise attached in the said writ, as if the same were in his hands or possession; and the name of the holder of such warehouse receipt, [voucher, bill of lading or other receipt] shall upon application to the court wherefrom such writ has issued, be added to the record of the action as a garnishee of the said goods, wares or merchandise; and thereupon the said court shall, upon the motion of the said garnishee, grant a rule upon the plaintiff in such attachment, to appear before the court at the time and place in such rule named, and there show cause why the attachment of such goods, wares or merchandise should not be dissolved, or the proceeds thereof, if the same shall have been sold by the order of the said court, paid to the holder of such warehouse receipt, [voucher, bill of lading or other receipt,] upon his giving security as such garnishee, by recognizance and sufficient sureties to be approved by the court, or by one of the judges thereof in vacation, with condition that so much of the said goods, wares or merchandise, or of the proceeds thereof, after the sale of the whole or any part thereof as shall remain after the settlement or payment thereout, of the amount of any lien upon the said goods, wares or merchandise created by the advance of money or credit by the said holder of such warehouse receipt, [voucher, bill of lading or other receipt,] transferred or delivered as aforesaid, and also of all prior liens for storage, freight and other charges, shall be retained in the hands of the said garnishee, to answer if the plaintiff shall have

execution of any judgment of the effects of the defendant in the action attached as aforesaid, or to abide the further order of the said court.

Section 1, Act of June 13, 1874, P. L. 285.

65. Rights of Warehousemen who Have Parted with Property by Mistake. That any [carrier or other] bailee of property, who has parted with its possession by mistake to any person not entitled to the possession, may, after demand, maintain an action of replevin for the same, or, if the property cannot be found, an action of assumpsit or trover and conversion against the party converting or removing it. In the case of replevin, if there was no fraud in obtaining such possession, the plaintiff shall first tender to the defendant the freight or other proper charges which have accrued at the time of the demand of possession.

Section 1, Act of June 8, 1881, P. L. 86, No. 95.

(d) **Attachment, etc., of Goods in Possession of Warehousemen.**

66. Goods Taken from Warehouses by Legal Process. Rights of Owners. That where goods, wares or merchandise shall be taken from the possession of any warehouseman, [wharfinger, carrier or other bailee] by writ of attachment, replevin or other legal process, such warehouseman, [wharfinger, carrier or other bailee] shall not be liable therefor to the owner of such goods, wares or merchandise or to the holder of any receipt, voucher, or bill of lading given for the same, saving and reserving however to such owner or holder, all legal remedies for the recovery of the said goods, wares or merchandise from any person unlawfully detaining the same, or for the recovery of damages against any person unlawfully taking the same.

Section 2, Act of June 13, 1874, P. L. 285.

(e) **Narcotic Drugs.**

67. Possession of Certain Drugs by Warehousemen. No person shall have in his possession or under his control, or deal in, dispense, sell, deliver, distribute, prescribe, traffic in, or give away, any of said drugs. This section does not apply, in the regular course of their business, profession, employment, occupation, or duties to—

* * * * *

(j) Warehousemen, [or common carriers,] engaged, bona fide, in handling [or transporting] drugs.

Part of Section 4, Act of July 11, 1917, P. L. 758.

The word "drug" as used in the above section is defined by Section 1 of this Act to include—(a) Opium; or (b) coca leaves; or (c) any compound or derivative of opium or coca leaves; or (d) any substance or preparation containing opium or coca leaves; or (e) any substance or preparation containing any compound or derivative of opium or coca leaves.

LIST OF PUBLICATIONS ISSUED BY THE LEGISLATIVE REFERENCE BUREAU OF PENNSYLVANIA.

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| No. 1. | Constitution of Pennsylvania. | (April 1, 1912.) |
| No. 2. | Bill Drafting. | (June, 1912.) |
| No. 3. | Liquor Laws of Pennsylvania. | (September, 1912.) |
| No. 4. | Special Legislation. | (1912.) |
| No. 5. | Preliminary Draft of a Bill codifying the existing General Laws Relating to Taxation. | (July 1, 1914.) |
| No. 6. | Preliminary Draft of a Bill consolidating the existing General Laws Relating to Taxation. | (July 1, 1914.) |
| No. 7. | Preliminary Draft of a Bill codifying the existing General Laws relating to Boroughs. | (October 1, 1914.) |
| No. 8. | Preliminary Draft of a Bill consolidating the existing General Laws relating to Boroughs. | (October 1, 1914.) |
| No. 9. | Preliminary Draft of a Bill codifying the existing General Laws relating to Corporations. | (November 1, 1914.) |
| No. 10. | Preliminary Draft of a Bill consolidating the existing General Laws relating to Corporations. | (November 1, 1914.) |
| No. 11. | Preliminary Draft of a Bill codifying the existing General Laws relating to Taxation. REVISED DRAFT. (Revision of Bulletin No. 5.) | (November 15, 1914.) |
| No. 12. | Preliminary Draft of a Bill codifying the existing General Laws relating to Corporations. REVISED DRAFT. (Revision of Bulletin No. 9.) | (January 15, 1915.) |
| No. 13. | Preliminary Draft of a Bill codifying the existing General Laws relating to Boroughs. REVISED DRAFT. (Revision of Bulletin No. 7.) | (January 15, 1915.) |
| No. 14. | Constitutions of Pennsylvania. | (January 1, 1916.) |
| No. 15. | Compilation of the Laws relating to the Board of Public Charities with Important Provisions of the Laws relating to the several State Institutions and the rules and regulations of the Committee on Lunacy. | (April 15, 1916.) |
| No. 16. | Compilation of the General Laws relating to Townships. | (February 1, 1916.) |
| No. 17. | Compilation of the Laws relating to Juvenile Courts and Dependent, Neglected, Incorrigible and Delinquent Children. | (April 1, 1916.) |
| No. 18. | Compilation of the Laws relating to Trades, Occupations and Professions. | (May 1, 1918.) |



